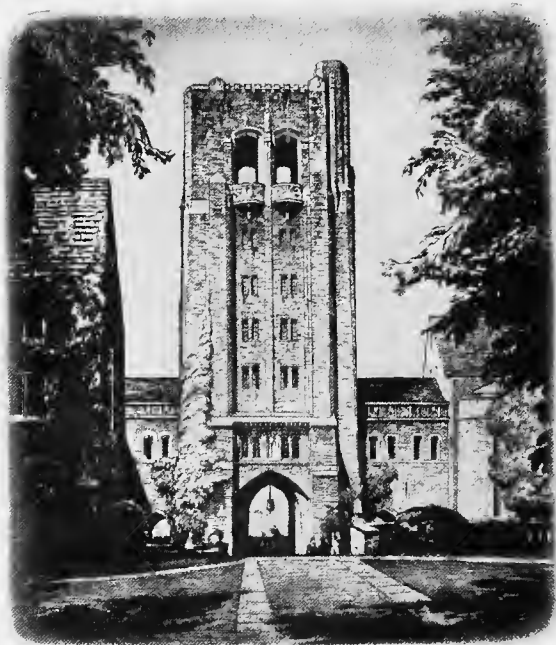


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The Bench & Bar OF Orange County

BY

WILLIAM VANAMEE

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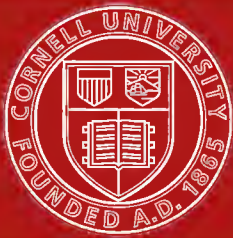


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CHAPTER XXXII.

THE BENCH AND BAR.

BY WILLIAM VANAMEE.

AT the unveiling in Goshen, September 5th, 1907, of the monument in memory of the gallant soldiers of the 124th Regiment, erected by that modern exemplar of medieval knighthood, that truest of men, of gentlemen and of heroes, Thomas W. Bradley, it was mentioned by one of the speakers that just forty-five years before, upon that very spot, as the regiment was about to start for the front, the stand of colors destined to be carried by it through many a battle, was presented to it in behalf of the Daughters of Orange by Charles H. Winfield.

His noble, inspiring speech upon that occasion was fitly responded to in behalf of the regiment by David F. Gedney, then Mr. Winfield's only rival at the Goshen bar and his acknowledged equal. The highest praise that can be bestowed upon either is that each feared for the success of his cause when opposed by the other. Indeed they were nearly always opposed, for what timid, anxious client, learning that his adversary had engaged the services of one, ever failed to suggest to his local attorney the importance of averting prospective defeat by the employment of the other. This remark of course applies chiefly to litigations arising in the Western end of the county, in which the trials were usually held at Goshen, for in Newburgh, Stephen W. Fullerton, who was admitted to the bar in 1844, just one year before Mr. Gedney was admitted and two years before Mr. Winfield, had from the first successfully challenged their supremacy in the county at large. Well might he do so, for while he was not the equal of Winfield in magnetism and force or of Gedney in scholarship and style, yet he excelled them both in acuteness, in industry and in mastery of the rules of evidence. This, then, was the great triumvirate that forty years ago reigned supreme throughout the county of Orange in the affection of their associates, in the admiration of juries and in the plaudits of the multitude—Winfield, Gedney, Fullerton. All three possessed genius of an uncommon order and no court, however insensible to the graces of oratory, could wholly restrain its flights or direct its

course. When the vexatious details of the testimony were over—for in those days the testimony was regarded by the public as a tedious formality preparatory to the great event of the trial, the summing up—and when it was understood that the addresses to the jury were to begin, the courtroom was quickly filled by people from all parts of the county, eager for the intellectual treat that was sure to follow. Winfield was wont to begin his closing argument somewhat slowly and even laboriously. This was due partly to the habit of his mind, which required the stimulus of exercise to quicken it to its highest exertions, but partly also to rhetorical design, by which he sought to make his subsequent outbursts of impassioned eloquence seem wholly unstudied, spontaneous and irrepressible. Indeed, they usually were. As the thought of his client's wrongs surged in upon him, as he dwelt upon his client's right to protection or relief, or contemplated the disaster involved in defeat, his words could scarcely keep pace with the torrent of impetuous, sincere and deep emotion on which they were upborne. He always struck the human note which the case presented. To him a trial did not involve a mere application of legal principles to an ascertained state of facts, but to him every case, however dry, barren or abstract, was a human drama. He saw, with the eye of imagination and the insight of genius, those forces of hate and revenge, of greed and falsehood, of cunning and cruelty, of devotion and affection, of honor and truth, which in one form or another, surcharge every trial, and project their palpitating figures upon the most intensely vital, vibrant stage for which the scenes were ever set—the conscious court-room, the austere judge, the impassioned advocates, the enthralled spectators; human life or liberty, human happiness or despair, human rights or relations, hanging in the balance upon a jury's nod. All this Winfield saw. In every trial the panorama of human life unfolded itself to his inspired vision. He took the broken, confused fragments of human testimony and, subjecting them to the kaleidoscope of his own fervent, symmetrizing, mirroring imagination, they were transformed into pictures of beauty or shapes of evil, as he willed.

It can easily be imagined that his power over juries was well nigh irresistible. If David F. Gedney, who was so often pitted against him, had sought to counteract his influence by the exercise of similar gifts, he might well have despaired of success. But happily for himself and for the delight of juries and the bar, no advocates were ever more unlike each

other in method of argument, in point of attack, in form of expression, in appeal to the sentiments, than Winfield and Gedney. Winfield filled the eye; Gedney charmed the ear. Winfield visited upon wrong or duplicity the bludgeon blows of invective, Gedney pierced it with the envenomed shaft of sarcasm. Winfield sought to break the armor of his adversary with the broad axe of denunciation. Gedney penetrated it with the slender arrow of wit and the fatal spear of ridicule. To Winfield language was a necessary vehicle of thought, a familiar medium of expression. To Gedney language was a divine instrument, over the responsive chords of which his master touch swept with unerring taste and classic grace, evoking notes of exquisite harmony and images of surpassing beauty. The words that flowed unbidden from his enchrised lips were music indeed. His sentences, chaste and polished as though chiselled in the very laboratory of thought, were but the unconscious reflection of a mind steeped in the literature of every age and tongue. Even Winfield often found to his dismay that those weapons of solid argument which would have defied all the onslaughts of the gladiator, were powerless before the arts of the magician. Not indeed that Gedney elevated style above matter or sacrificed strength to beauty. But in him style and matter were so delicately balanced, beauty and strength so discreetly blended, that each borrowed from the other and none was poorer for the exchange.

The personal characteristics of the two men were also different. Winfield loved the approbation and applause of his fellows and aspired to political honors. Gedney looked out upon the world with philosophic calm, undisturbed by its clamors and untempted by its baubles. The only offices which he held were strictly in the line of his profession—district attorney and county judge—while Winfield acquired a conspicuous position in Congress at a time of intense public interest and excitement. Winfield bore defeat with impatience, Gedney with equanimity. Winfield, who especially could not endure the thought of defeat by a younger adversary, often treated him with unnecessary severity; always, however, taking care to express his regret afterwards that the heat and zeal of conflict had carried him too far. Gedney, on the other hand, never suffered to arise the occasion for apology or regret. He disdained to use his unrivaled powers of sarcasm and ridicule at the expense of a weaker adversary, and throughout the entire course of a trial, he was scrupulous not to say one word which might in any degree wound the sensibilities of a

younger member of the bar. Moreover, he always took pains to speak a word of encouragement and praise to the younger lawyers whenever their maiden efforts justified interest or respect.

Gedney's happiest hours were passed at his own fireside, while Winfield loved to mingle freely with his fellow men. But Winfield's children had died, one by one, in childhood, and it is pathetic to recall that he sank to his long sleep while addressing little children on a peaceful Sunday afternoon in June, just sixty-six years after his eyes had opened not far away on a world in which he was destined to reap many cruel sorrows, some substantial rewards, and all the mocking, delusive delights of a transient fame.

His friend, Judge Gedney, followed him only a month later as he sat upon the porch of his home in Goshen. As together they had journeyed through life, sharing its burdens and its conflicts, so in death they were not long separated, and in the manner of their summons they were alike blessed, for to neither did it come upon a bed of lingering illness.

Their lifelong friend, Judge Stephen W. Fullerton, was not so fortunate. Surviving his old associates fourteen years, he lived to see the world march past him and to realize the bitter truth that it takes but little interest in a lawyer, however prominent, popular or useful he may have been, after his activities and usefulness have ceased. And yet Judge Fullerton possessed some traits of character which should have ensured him, above all his fellows, from the sharp tooth of either ingratitude or neglect. He actually gave away three fortunes. His generosity knew no bounds. An appeal to his sympathies was never made in vain. A claim put forward in the name of friendship was to him sacred and admitted of no hesitation. Every consideration of selfishness or even of prudence went down before the spectacle of a friend in need. It was inevitable that a nature so generous and so confiding should often be imposed upon by unworthy claims, but to these he never referred with bitterness or even regret. A few dear friends, including especially Judge Hirschberg and Walter C. Anthony, were true and faithful to the last, and it must be a satisfaction to them to know that their loyal, undeviating attachment cheered and consoled the last hours of a lawyer who once shared with Winfield and Gedney undisputed preëminence at the bar of Orange County.

For never were tender, affectionate and generous traits of character—

often assumed to be inconsistent with the coldness and sternness of the law—joined to a more severe, patient, thorough, comprehensive training in the law than in the case of Judge Fullerton. To him the law was a science and the practice of it an art demanding the sleepless pursuit and worship of its votaries. To the principles of such a science and the rules of such an art, having for their object the most exalted end of all organized society, the establishment of truth and the maintenance of justice, he was willing to consecrate the noblest energies of his mind and heart. To him no labor was too hard, no sacrifice too great to deter him from mastering the minutest details of a complicated case or from ascertaining and applying the principles by which it should be governed. When he came to court to present it every form in which difficulty might be apprehended or obstacles interposed had been anticipated and provided for. He always tried the case on both sides before he went to court, and his opponents never raised many of the points which he, in his anxious survey, had most dreaded. His thorough knowledge of the rules of evidence enabled him to introduce testimony upon some minor issue in the case which was afterwards used with telling effect upon the main issue. In his addresses to the jury he discarded every appeal to mere sentiment and sought to impress only their reason and their judgment. His analysis of the evidence was so close and perfect, his presentation of it so clear and convincing that the jury were led to think that his was the view they had taken of it all the time it was being given. Gathering up the different threads of narrative in the case he wove them together in a strand of pitiless, impervious, cohesive logic that not all the frantic efforts of his adversary could avail to unwind. Such was the man who, like Gedney, had also been county judge and district attorney of the county, to whom Mr. Marsh, as the spokesman of the Orange County bar, paid fitting tribute at the Newburgh court house in June, 1902—Luther R. Marsh who at the time of his own death in 1903, constituted the last lingering tie between the present and the past.

No history of Orange County is complete that fails to chronicle the twelve years' residence of Luther R. Marsh, who imparted luster to every scene in which he mingled, dignity to every spot in which he lingered. He spent in Middletown the closing years of a life which had been marked by the most intense ardor and activity in his profession, and, though he had retired from active practice when he settled in Orange

County, he was drawn into court after that upon two occasions in litigations arising in the county. The intimate friend all his life of Orange County's ablest sons, from the Hoffmans to the Fullertons, he became the friend, the companion, the idol of a new generation of its lawyers when he came to Middletown in 1889, being then nearly eighty years of age. For though he lived to be ninety, he never became old, worn or feeble in spirit. In a public speech delivered a few months before his death, he declared that to be the happiest period of his life. In his daily walk and conversation he exemplified the philosophy of Rabbi Ben Ezra, as expressed by Browning:

"Grow old along with me!
The best is yet to be,
The last of life, for which the first was made;
Our times are in His hand
Who saith 'A whole I planned,
Youth shows but half; trust God: see all,
Nor be afraid!'"

Nor was he afraid. His daring vision sought to pierce the secrets of the hereafter. For a long time before his death he was deeply interested in spiritual phenomena and in the investigation of those manifestations of persistent personal energy after death, the authenticity of which constitutes the only proof we can ever obtain of the doctrine of immortality. Trained to estimate the weight and value of evidence, engaged during his entire professional career in convincing arguments as to its proper construction and effect, he accepted as sufficient and satisfactory the evidence adduced to him of communications and impressions still conveyed, as the church even now maintains they were of old, from those who have passed on to the spirit world.

But, though during his later years he clearly saw how trivial were the ordinary ambitions and pursuits of men; though his thoughts became more and more centered upon things spiritual and eternal, yet he never lost his interest in the sterling values and, above all, in the beautiful friendships of life. Childhood, youth and manhood held each its claim upon his tender regard, his ready understanding, his never-failing sympathy. To him more than to any man I ever knew do Goldsmith's immortal lines apply:

"E'en children followed, with endearing wile,
And plucked his gown, to share the good man's smile.

His ready smile a parent's warmth exprest;
 Their welfare pleased him, and their cares distrest;
 To them his heart, his love, his griefs, were given,
 But all his serious thoughts had rest in Heaven:
 As some tall cliff that lifts its awful form,
 Swells from the vale, and midway leaves the storm,
 Though round its breast the rolling clouds are spread,
 Eternal sunshine settles on its head."

Luther R. Marsh was unquestionably the most original, brilliant, fascinating, prolific, versatile genius that ever dwelt in Orange County during the years in which in him it "entertained an angel unawares." He mingled on equal terms with the greatest men of his generation. He was a partner of Daniel Webster. Among my most cherished possessions is the tin sign which Mr. Marsh had framed and hanging for many years in his study, bearing in his own handwriting the inscription:

LUTHER R. MARSH."

"In 1845, on Mr. Webster's retirement from business to return to the Senate of the United States, I took this sign off from our office door, 44 Wall Street, New York, where it had been during our partnership.

When Webster was dying in 1852, Henry J. Raymond, the gifted editor of the *New York Times*, wrote:

"MY DEAR MARSH:—We hear from Marshfield that Mr. Webster cannot live through the day. I want from you, if it is possible, for to-morrow morning, an article—of what kind you know a good deal better than I can tell you. * * * * * No man in this city certainly can do it so well. Nine o'clock this evening, or even ten, will be early enough to have it here.

Yours as ever,

H. J. RAYMOND."

The article, occupying over four columns, was there on time. Mr. Marsh, that afternoon, upon a moment's notice, at a single stroke, threw off an estimate of Webster's genius and achievements that never was excelled later, even in the glowing, studied periods of Everett, Winthrop, and Curtis.

When in 1869, Henry J. Raymond died, Mr. Marsh was invited to become his successor, but he declined the honor fearing that the position, though congenial to his tastes, would be too exacting in its demands. When we consider that at this time Mr. Marsh was besieged by clients and immersed in cases; when we consider, too, that a busy lawyer is the last one to whom a publisher would naturally turn (for there is no class of men in whom the truly literary instinct combined with the gift of

literary expression is so rare as among successful lawyers), this recognition of the unique literary distinction which Mr. Marsh had attained, even while engaged in the fiercest legal contests with such hard-headed lawyers as David Dudley Field, John Van Buren, Charles O'Connor, James T. Brady, John K. Porter and Judge Comstock, is most impressive and conclusive. But in his forensic contests the lawyer dominated the *littérateur*. Any opponent who thought that because of Mr. Marsh's finished, faultless, elegant literary style he would escape hard blows and sturdy onslaughts soon learned his mistake. He was, at about the time he received this offer from the *Times*, in the very zenith of his powers and his fame. Mr. Hunt, then the superintendent of public schools in Massachusetts, thus wrote in 1873, of a trial he had just attended, in which Mr. Marsh was opposed to Joseph H. Choate:

"I shall never forget the spectacle of that trial; from the opening to the close, it was the most perfect thing I ever saw. Having entered upon the study of law in the late William Pitt Fessenden's office; having seen many able lawyers conduct cases in court:—Fessenden and Evans in Maine, Rufus Choate and other great lawyers in Boston, and, in the South, Yancey and others—allow me to say that I never saw anything to be compared with the ease, dignity and power with which Mr. Marsh managed everything."

But his splendid gifts and varied powers could not be restricted in their exercise to the energies of the law and the graces of literature. Equally fitted to shine in society or among scholars, in pulpit or press, on the rostrum or in the forum; always *facile princeps* as poet or preacher, essayist or journalist, publicist or philanthropist, advocate or orator, his unapproached range and versatility mark him indisputably as the Admirable Crichton of his land and age.

During the period covered by Mr. Marsh's impressive eulogy upon the character and attainments of his friend Stephen W. Fullerton, the Orange County bar was enriched by the weight, the influence and the learning of a group of lawyers whose temperament disinclined them to the fierce excitements, the rude conflicts, the temporary triumphs of the forum. Foremost among them was Eugene A. Brewster, who, though he personally argued his cases with great ability and success before the appellate courts, where reason and reserve count for more than fervor and fluency, was unskilled in the art of swaying a jury against its will or snatching a verdict against the evidence. Mr. Brewster's warm admiration for his great preceptor, Judge John W. Brown, may have uncon-

sciously influenced his bearing, but his moral and intellectual equipment was entirely his own. This embraced a deep sense of the responsibility resting upon every lawyer to sustain the honor and dignity of an ancient and honorable profession. He scrupulously maintained throughout a busy and active career the high ideals with which he started out. His aim was to ascertain the truth, not to circumvent it; to apply the law, not to evade it; to draw from the fountains of justice, not to pollute them. He enjoyed the respect of the courts, of his brethren and of the public because of his character as well as his ability, his virtues as well as his talents. His whole life was a steady influence working for honesty in the moral fibre of the community; a persistent power making for righteousness; a never-failing light guiding to the path of safety and of honor. In him were incarnated those conserving principles, those formative influences, those stimulating ideals, those ennobling traditions which impart dignity to human life, strength to human character, stability to human society.

David A. Scott was another eminent member of the same group. As surrogate of the county for two terms his administration was distinguished by an unusual display of those qualities of breadth, wisdom, patience, knowledge of human nature and capacity for affairs so peculiarly requisite in a probate judge exercising jurisdiction over the saddest controversies, disclosures and scenes ever presented for adjudication—contested wills, disputed claims, angry accountings, recrimination between brother and sister, calumny of the dead, sordid passions and petty avarice disrupting old friendships and family ties. In calming these dissensions whenever possible and in deciding them whenever necessary Judge Scott manifested that happy blending of tact, temper, common sense, sound judgment, practical sagacity and professional learning so essential in the office of surrogate. I say judge because the title surrogate is a most unfortunate one. The office is known in other commonwealths as that of probate judge. People are so influenced by mere names that if such were the title here the claims of an able surrogate to public respect would be more fully understood. When it is considered that once in every generation the entire wealth of the county, including vast fortunes amassed elsewhere by those who die residing in it, is administered upon in this court and that nearly all the intricate and perplexing questions involved in its distribution are passed upon by the

surrogate, it will readily be seen that the duties and responsibilities of this office are among the most important, extensive and onerous that can devolve upon judicial officers.

It is now nearly fifty years since David A. Scott entered upon the duties of this office. There are those who still remember the dignity and grace with which he discharged them. It is forty years since he laid them down. One year after the close of his second official term and one year after Judge Michael H. Hirschberg had been admitted to the bar, they entered into a partnership under the name of Scott & Hirschberg, which continued until Mr. Scott's death. What this long, close association meant to the younger member of the firm he alone fully knows. Surely he would be the last to repel the suggestion that it doubtless profoundly influenced a character still sensitive and impressionable when the intimacy began. Indeed he himself bore affectionate testimony to this impress when, in the court proceedings, held to honor his dead friend's memory, he said: "For more than twenty-one years we have labored together side by side in the perfect intimacy and union of the partnership relation, and realizing how very much I am indebted to his precepts, his example and his support; with only sweet and grateful memories of that connection now remaining, wholly unalloyed by even the momentary shadow of doubt or distrust, and unvexed by even an occasional suggestion of discord or dissension—indeed one long and unbroken period of harmonious intercourse, of joint and cheerful endeavor, and of undisturbed confidence and esteem, I deem it a duty no less than a privilege to add my humble meed of praise to the chorus of eulogy which I am sure will greet his memory to-day."

In closing his tribute Judge Hirschberg said, with the heartfelt concurrence of the entire bar:

"And so passed away forever an honorable lawyer, a faithful friend, a loving father, an estimable citizen, a good man. We will all miss his familiar form, his friendly greeting, and his kindly presence. Let his virtues be commemorated in the records of the court. Let the sweet and wholesome fragrance of his memory remain, to inspire lawyers, living and to come, to emulate his upright deeds, and to con the lasting lessons of his pure and simple life."

And now as we pause in the contemplation of this fine and beautiful

character there rises before the mind another figure associated with the days of Winfield and Gedney in Goshen; of Fullerton, Brewster and Scott in Newburgh—the figure of James G. Graham. It is difficult to classify him in either group to which reference has been made. A constitution naturally delicate led him to shrink from the strife and turmoil of sharply contested trials and to prefer the seclusion of his office and his library. Yet no lawyer of the period under consideration approached him in the kind of oratory adapted to public and ceremonious occasions. Indeed James G. Graham stands in a group or class alone. None but himself could be his counterpart, for he was compacted of every creature's best. In serenity he was equal to Scott, in strength to Winfield. In counsel he was as wise as Brewster, in speech as gifted as Gedney. While in vigor of expression he may be compared to Winfield and in felicity of style to Gedney, yet he excelled them both in a certain tender grace, a poetic touch, a romantic spell, an iridescent play of fancy and sentiment which were the spontaneous reflection of an ardent, imaginative, spiritual temperament, united to and controlled by exquisite literary taste.

He never received, either in life or in death, the public recognition due to his splendid gifts and exalted character. He was ever generous in his own praise of substantial worth. His tributes to his departed brethren were marked by peculiar elevation of thought and tenderness of sentiment. A work professing to be history, seeking to readjust the balances in which the superficial judgment of contemporaries is corrected by the tardy recognition of posterity, should not fail to register the star of James G. Graham in that brilliant constellation from which Marsh and Winfield, Gedney and Fullerton, Brewster and Scott shed undying refulgence upon the traditions and memories of the Orange County bar. Let a garland of affectionate, reverent homage entwine the memory of one who never failed himself to lay a chaplet of rosemary upon the grave of friendship.

To this period also belongs Abram S. Cassedy. Admitted to practice just fifty years ago, his rise from the time that he settled in Newburgh was so rapid that he came into professional relations with the members of both groups which have been considered, though they were all admitted to the bar several years before. Indeed he belonged to both groups. He was emphatically what is meant by the expression "an all-round lawyer." He could work patiently and assiduously in his office

drawing contracts and giving counsel and then proceed to the courtroom to try his cases. His knowledge of the law commanded the respect of the courts, while his earnestness and sincerity produced a favorable impression upon juries. He was essentially a man of affairs, equally at home in the bank directors' meeting, the common council, the mayor's office and the board of education. He was corporation counsel of his city and district attorney of the county. He was the executor of large estates and the trustee of great interests, one of the most important of his transactions being his sale of the West Shore Railroad for the sum of \$22,000,000, and his distribution of the fund. In all the positions that he occupied and all the capacities that he filled he was animated by the very highest ideals of professional honor and personal probity. In many ways the influence of his life and the force of his example have been more persistent and abiding in Newburgh than in the case of lawyers whose fame has been exclusively in the courts. His interesting and stainless career affords a striking illustration of the results which may be accomplished by an acute and active mind concentrated upon one leading object and directed in its energies by a simple, sincere, straightforward, undeviating devotion to the noblest standards of public duty and private honor.

Looming large and masterful in the second group of lawyers, the friend and associate of Winfield, Gedney and Fullerton, who always valued highly his legal opinions and who frequently were influenced by them, though he distrusted his own ability to cope with them in court, comes the figure of John G. Wilkin. Twice elected county judge, the first time in 1851 and the second time in 1883, the interval between these elections was marked by the presence and the power of his persistent, aggressive, dominating, yet at the same time winning, gracious, picturesque personality. Born to command, the exciting times in which he lived, covering the most painful period of our national history, tended to develop his natural powers of leadership. He had a talent for friendship. His absolute devotion to his friends in times of adversity and defeat confirmed a leadership which, however, was constantly challenged by those who, because they could not control him, sought to crush him. He tasted many a time the bitter truth of Joubert's epigram that a man who by the same act creates a friend and an enemy plays a losing game, because revenge is a stronger principle than gratitude. But Judge Wilkin never knew

that he had lost. He never accepted defeat. Like his old friend Halstead Sweet, who always began the day after election to prepare for the next election, the hour of Judge Wilkin's defeat was the most dangerous one for his enemies. In the case of such a character, deeply implanted with the love of power for its own sake as well as for its rewards, it was inevitable that it should pass through many periods of storm and trial. But if Judge Wilkin perforce bent to the storm he never quailed before it. The deepest trial of his life was one that he never foresaw. This was the failure in 1884 of the Middletown National Bank of which he was the attorney and nominally the vice-president. This failure, which was precipitated by the unsuspected acts of the president in giving up to a grain shipper who had acquired a hypnotic control over his mind, two hundred thousand dollars' worth of bills of lading without the payment of the drafts to which the bills of lading were attached, came to Judge Wilkin with all the force of a cruel and crushing accident. The spirit which no opposition could daunt recoiled for a moment under the stab of treachery. But only for a moment. Quickly recovering himself—though deeply pained and humiliated that such a disaster should come to an institution with which he was connected and especially to friends who might have been influenced by his name—the strength, the courage, the manliness of his royal character were never more strikingly exemplified, were never shown to greater advantage than at this very time. He never flinched from any obligation which this or any other relation, business, political, social or professional entailed upon him. His devotion to his clients, his determination to relieve them from the consequences of their own folly or imprudence was absolute and fearless, never taking any note of whether they could have avoided the plight they were in. If they were in trouble through no fault of their own, of course anybody would be glad to help them. But if they were in trouble through their own fault the very addition to their troubles which this reflection caused them only created a double claim upon Judge Wilkin's sympathies and energy. This is the spirit of the true lawyer, who, when appealed to in distress, has no more right to arrogate to himself the functions of court and jury and decree that his client must take his punishment than a physician has to refuse to cure a disease which his patient has incurred through a violation of the laws of health or morality.

Judge Wilkin's interest in the young men who grew up about him never

deserted him. He welcomed their advances, he reciprocated their esteem, he enjoyed their companionship. His reminiscences of the older bar were lively and entertaining, his sense of humor keen, his exultation in life and all its activities throbbing and intense. He was not ready to go when the summons came and he made no hypocritical pretense of resignation to it. His was a life so full of promise and performance, passion and power, persuasiveness and preëminence that well may we exclaim with the poet:

"But what rich life—what energy and glow!
Cordial to friend and chivalrous to foe!
Concede all foibles harshness would reprove,
And what choice attributes remain to love."

If James N. Pronk had given the thought and attention to his own interests that he gave to the interests of the public and to the development of his city he would have died wealthy and famous. In his early manhood when, as the only lawyer in Middletown, except Judge Wilkin, he acquired a large practice, he quickly accumulated a fortune sufficient to enable him to build and wholly pay for what still remains the finest store and office block in Middletown. He had nothing to do then, in order to a successful life, but to take his ease and accept such work as he might enjoy. But this was not his nature. He simply could not take his ease. He was possessed by the desire to originate and carry forward every public enterprise that might benefit the town. He lived plainly and simply, had no personal indulgences, spent nothing upon himself, denied himself every pleasure in order that he might give himself wholly to the service of the public. Every pleasure indeed except that of friends and books. He loved the society of congenial spirits and he dwelt much among books. But he was not selfish even in this. Instead of putting the books he bought into his own library he put them into a public library. He established the Lyceum, the fine circulating library of which gave to Middletown its first literary impetus. In connection with this he organized debates in which the ablest men of the community discussed every moral, social and political question of the day. These debates brought out the native talent and debating powers of many men who otherwise might have been silent, notable among them Israel O. Beattie, whose wide information, keen reasoning and sparkling wit are well remembered by those who know how naturally his distinguished son, Judge John J. Beattie, comes by these qualities.

Moreover, Mr. Pronk brought to the platform of the Lyceum the foremost intellects of his time—Henry Ward Beecher, Wendell Phillips, Horace Greeley, Edward H. Chapin, Theodore L. Cuyler and many others. I well remember when, a few years ago at Mohonk, Judge Beattie and I introduced ourselves to Dr. Cuyler and mentioned Middletown, he at once exclaimed: "How's my old friend Pronk?" though they had not met for forty years and he had not heard of his death.

The great mistake of Mr. Pronk's life was when he mortgaged his fine building, on the income of which he might easily have lived, in order to establish what became the passion and the idol of his life, Hillside Cemetery. But was it a mistake? Is it not success, after all, to live in lasting institutions? This cemetery is to-day the most beautiful resting place of the dead in Orange County. Over this sacred spot where he himself was laid, broods ever the sentiment inscribed over the tomb in St. Paul's Cathedral of Sir Christopher Wren, its architect—"If you would behold *his* monument look about you." (*Si monumentum quaeris circumspice.*)

Younger than any of the lawyers thus far considered, but entering upon his professional life while theirs was still active, and dying prematurely before the close of those careers with which his own was strictly contemporaneous, was William F. O'Neill. Perhaps no career was ever more of a surprise to the public and to the profession than that of Mr. O'Neill. From Winfield, Gedney and Fullerton with their distinguished lineage, family influence, county connections, social position, superior education, wide culture, courtly address and imposing presence much was expected and expectation was always satisfied. But here was a young man, who coming from Monticello to study law in Middletown with Judge Groo and entering upon his career without any of these advantages, boldly flung himself into the courts to try conclusions with the ablest of Orange County's advocates and began at once to captivate juries and to win his cases. Small in stature, unimpressive in appearance, deficient in culture, unformed in style, averse to application, trying his cases with very inadequate preparation, the lawyers were puzzled at first to know the secret of his immediate and enormous success at the bar. It lay, as they soon learned, in his faculty of making the jury think that he always happened to be on the right side. It was like the case of the juror who was descanting enthusiastically upon the magnificent, unrivaled

powers of Brougham as an advocate. "But," said a bystander, "I see that you always give the verdict to Scarlett." "Scarlett, O yes," said the juror. "Well, you see Scarlett is always on the right side."

Mr. O'Neill was a natural verdict getter. He never went over the heads of the jury. He talked with them on their own plane of thought, sentiment and experience. Juries liked him personally. They felt interested in his success. I remember a trial in which he obtained a verdict of \$2,000 against the village of Port Jervis for a woman who had fallen upon a defective sidewalk, but who did not appear to have been much injured. After the verdict, one of the jurors, Coe Goble, of Greenville, asked me what I thought of the verdict, to which I replied that they probably gave as much as the evidence justified, since she did not seem to be hurt much. "Well," said Goble, "it was this way—we thought the woman ought to have \$1,000 and we thought Billy ought to have \$1,000."

This familiar, affectionate reference to him as "Billy" indicates his place as a popular idol. Indeed the boyishness of his appearance and stature seemed to help him. People who saw him for the first time and who had not expected much from him, went out of the court-room saying, "Did you see how little Billy O'Neill laid him out?"

Mr. O'Neill made negligence cases a specialty, and he became known far and wide as a negligence lawyer. Those who deprecate the rise of the negligence lawyer and the increase in negligence cases during the last forty years fail to make sufficient allowance for those changed conditions in the business of the world under which its various currents of capital and industry converge in one swollen stream of corporate enterprise and control. This tends, on the one hand, to encourage professional alertness in protecting the individual from corporate greed or neglect and, on the other hand, to create extreme devotion to corporate interests seeking the aid of professional skill and judgment. While the zeal of attorneys in behalf of corporations is rarely condemned it is somewhat the fashion to deprecate the negligence lawyer who takes the case of a client against a corporation upon a contingent fee. As the client is usually destitute it is difficult to see how his case is to be presented at all unless the attorney takes his chances upon success. As courts and juries must determine that the claim is a worthy one before it can succeed, the whole criticism seems to resolve itself into the position that worthy causes and clients should be deprived of a hearing. This feeling can be well understood on the part

of corporations constantly compelled to pay damages on account of their carelessness, but the expression of it comes with poor grace from lawyers who receive large retainers and liberal fees from wealthy clients. It is at least as fair to a client to wait for compensation until the work is done as it is to insist on a retainer before any work at all is done. It is noticeable that the criticism upon the contingent fee at the conclusion of the case comes usually from the lawyer who expects a large fee at the beginning of the case.

It is simple truth and justice to say that human life and limb are safer to-day in Orange County because that sturdy fighter and dangerous opponent, William F. O'Neill, caring not whether his client was poor or rich, never allowed a case of negligence, once brought to his attention, to pass unchallenged and unrepresented to a court of justice. And if his example and his influence have encouraged others, as indeed they have, in the same path of professional honor and public duty, then he, too, has not lived in vain.

The advent of Mr. O'Neill was coincident with the rise of a new generation of advocates who were confronted at first with a supremacy in the older bar which never could have been ousted by superior talent. It yielded at last to the only rivals it could not resist, decay and death, even as now the lawyers I am about to name will soon surrender to a still later generation their coveted place and prominence in the courts. I say about to name because, notwithstanding the considerations which suggest the omission of any reference to the living, it seems to be inartistic and it ought to be unnecessary to break off a narrative in the middle because some of its characters are still living. Caution and delicacy may indeed discourage, if not wholly forbid such unstinted praise as may be properly bestowed upon a finished, rounded career, far removed from possible mar-
ring by some late and regrettable error. But, on the other hand, the opinion of his contemporaries by one who has freely mingled with them and frequently been pitted against them ought to be accurate, and, if accurate, then interesting and valuable. How we would all enjoy now Winfield's own characterization of Samuel J. Wilkin and William F. Sharpe, his partner; of Benjamin F. Duryea and Joseph W. Gott, the senior; of David F. Gedney and Stephen W. Fullerton. There are histories of our own times and this is one of them. Let me proceed then, diffidently, indeed, but still unflinchingly, to perform the task assigned to

me before the subjects and the generation chiefly interested in them have all alike passed away; appealing to the judgment of those still able to decide, upon the candor, fairness and impartiality of the estimates. Indeed, if we wait until all contemporaries have passed away, who is left to determine whether the estimates are just?

William J. Groo is older than the lawyers who came to the bar in the late sixties, but he falls naturally in this group, because he came to Orange County in 1866, when he at once took a foremost place among its trial lawyers, his reputation having preceded him. He had already become a leader of the bar of Sullivan County, where in 1856 he was elected its district attorney. This leadership was, in itself, evidence of great ability, for he had to win his spurs against such intellectual giants as General Niven, Judge Bush, Senator Low and James L. Stewart. It is not strange, then, that in him Winfield, Gedney and Fullerton found a match for all their powers and an equal in all the arts and accomplishments of the advocate. His perfect self-possession, his readiness in retort, his firm grasp of the points in controversy, his unfailing memory enabling him to marshal the testimony with crushing effect, his severe logic, his scathing denunciation, his intrepid spirit, and, above all, his moral earnestness combined to make him a dreaded and formidable adversary.

Judge Groo (for he acquired the title through his election as special county judge of Orange County in the year 1868) has carried this quality of moral earnestness, which so largely contributed to his success at the bar, into all the interests and relations of life. He early espoused the cause of temperance and has long been one of the most prominent members of the prohibition party, which at different times has bestowed upon him its complimentary but unsubstantial nomination for governor and judge of the Court of Appeals. He has always insisted that the absolute prohibition of the sale of liquors in the State of New York is not only a righteous and necessary reform, but an entirely feasible one. The remarkable strength of this movement in the South, followed as it has been by recent prohibitory legislation in several of the States, is one of the cheering rewards for unselfish, life-long devotion to principle which he is permitted to enjoy in his declining years. There is no doubt whatever that his sacrifices in behalf of this cause seriously interfered with his later eminence at the bar, for such eminence, even when once achieved, can be maintained only by sedulous, unrelaxed devotion; by steady, un-

qualified, undivided allegiance to that most exacting of all masters—the law.

This consecration to higher duties and nobler aims than those involved in mere professional success does not, however, constitute the sole reason why Judge Groo ceased to be a familiar and prominent figure in the courts of Orange County. This was due primarily to the removal of his office to New York, where he continued to win many notable legal triumphs until failing health compelled him to retire from active practice. His dignified and honorable repose is divided between his home in Middletown and his summer retreat in his native county of Sullivan at Groo-ville, so named in honor of one of his Revolutionary ancestors.

Though Lewis E. Carr has transferred his professional activities to a wider field, yet he acquired and developed in Orange County those transcendent qualities as a trial lawyer which have since, in nearly every county of the State, excited the astonishment of the bar and the admiration of the courts. From the very first he produced a profound impression upon Winfield, Gedney and Fullerton, with whom he engaged in vigorous, courageous contest at a time when it was difficult, indeed, to stand up against their powerful and almost irresistible influence. But it was when he came to be associated with them in some most important trials that they were even more impressed with his knowledge of fundamental principles, his wisdom in consultation, his mature and unerring judgment. Judge Gedney once remarked in a public tribute to Mr. Carr in his early life that it was possible to gain a far more accurate measurement of a lawyer's real ability through association with him than in opposition to him. He added that it was after enjoying such opportunities to become acquainted with Mr. Carr that he was the better able to express admiration of his surpassing talents as well as confidence in his brilliant future. Mr. Carr has since then enjoyed many honors and some supreme triumphs, but it is doubtful that any encomium has ever given him deeper pleasure than this now amply verified prediction by so competent an authority.

Nothing more surely attests the eminence which Mr. Carr has attained in the State than the recognition of it by the Assembly of the State of New York in inviting him to pronounce in its chamber the eulogy upon its beloved speaker, S. Frederick Nixon, upon the memorial occasion dignified by the attendance of the Governor, the Senate and the judges of

the Court of Appeals. In that august presence Mr. Carr, defending the prerogatives of the State, said:

"However much we take pride in the nation's greatness and power we cannot shut our eyes to the fact that in some way, not easy to understand, the Federal Government of which we constitute no mean part, has been steadily encroaching upon the province of the State, and year by year the waves of its rising power are biting away some part of the shore on which our feet should rest. * * * Preservation of the rights of the State, as the framers of the Constitution intended and provided, is as essential to the safety, security and perpetuity of the sisterhood of States as the armies that carry and defend the flag and the navies that patrol the sea and protect our harbors against the dangers of attack. Our State is an empire in and of itself. Dominion over it and control of its priceless interests are all our own, save to the narrow extent they were expressly yielded to give needed strength and requisite power for the protection of the whole."

This extract gives some idea of the force and clearness which characterize all Mr. Carr's public utterances, but no extract can give any conception of his extraordinary powers as an advocate. The assembly indeed had already enjoyed an unusual opportunity to witness their display, for Mr. Carr was easily the most conspicuous and imposing figure in a public trial of great importance conducted before it, in which he made the principal and prevailing argument. But it is perhaps in the appellate courts that Mr. Carr's abilities find their most congenial field of exercise. There his ready command of all the resources of a trained, vigorous and richly stored intellect enables him to discuss every proposition propounded by the court, or advanced by his opponent, with a breadth of reasoning, a fertility of illustration, an array of authority which never fail to arouse admiration and delight. Indeed in every argument or trial in which he engages he organizes from the outset an intellectual duel. One who is not prepared to cope with him on equal terms, or with a cause so strong that it overcomes the intellectual handicap, will find it prudent not to enter the lists with him.

When Mr. Carr resided in Port Jervis before going to Albany, where he is the general counsel for the Delaware and Hudson Company and where he is called as senior counsel into many important cases not at all connected with railroad litigation, such was his devotion to his profession that

it was only in exciting political campaigns that he could yield himself to the demands of the platform. But in Albany so insistent and repeated have been the demands upon him that he has been compelled to yield more frequently, until now his reputation is firmly established as a platform speaker of rare attractiveness. A fair example of his after-dinner oratory may be found, in fit company and enduring form, in the book entitled "Modern Eloquence," edited by Speaker Thomas B. Reed; it being a response, at the banquet of the State Bar Association, in which, with a fine blending of humor and seriousness, he commends that recent revival of an ancient custom which has done so much already to revive and promote the dignity of the bench—the wearing by judges of the robe of office.

The Orange County Bar has contributed to the bar of the State many gifted sons of whom it has been, indeed, proud—Ogden Hoffman, William H. Seward, William Fullerton and others—but it has never contributed one of whose character, ability and fame it is more justly and universally proud than it is of the character, ability and fame of Lewis E. Carr.

Henry Bacon is now, indisputably, the leader of the Orange County Bar. His career has been marked by a singleness of devotion to his profession rarely equaled. It was interrupted at one time by his service for five years in the House of Representatives, in the debates of which he bore an honorable part, impressing himself most favorably upon the leaders of his own party and those of the opposition. But his heart was all the time in the law, which he keenly enjoys as a science and reveres as a master. Returning to Goshen at the expiration of his congressional service he threw himself with renewed ardor into the practice of his profession to which he has since applied himself with undeviating purpose, persistency and power. The position of leadership now held by him is the natural, inevitable and only consistent result of high endeavor and unfaltering purpose united to intellectual gifts and legal qualifications of a superior order. Mr. Bacon has the legal instinct. He is not content until he has penetrated to the heart of the mystery. He revels in a perplexing and complicated case. He loves to unravel its intricacies and explore its mazes.

Mr. Bacon has in the past twenty years tried more cases than any lawyer in the county. He is retained in nearly every important trial. His manifest knowledge of every principle of the law involved in the case always commands the respect of the court and of the bar. In presenting his

views to the jury he relies upon logic rather than eloquence, upon consecutive force of argument rather than the arts of persuasion. In the celebrated case of Magar vs. Hammond his opening address to the jury upon the second trial was a masterpiece of close, coherent, cumulative and convincing statement.

Mr. Bacon is never more interested than when he is confronted with some grave question of constitutional construction. His attack upon the constitutionality of the drainage law, which was declared invalid by the Court of Appeals upon the arguments advanced by him, and in which he was opposed by the eminent advocate John G. Milburn, will be long remembered.

All lawyers are true to their clients, but Mr. Bacon's inflexibility in the assertion or defense of his client's rights is uncompromising to the last degree. It has even been said that, in his zeal and ardor, he is willing to trample upon all the ties of private friendship and all the claims of personal courtesy. But no client was ever heard to complain of this and, after all, the fact remains that no lawyer can serve his clients with absolute fidelity without, at times, wounding his neighbors and his friends. An honest lawyer can know no one but his client and him crucified. His standard of morality and manners, of duty and decorum is expressed in the sentiment, "Stop pursuing my client and I have no further quarrel with you." Mr. Bacon typifies this spirit and embodies this principle in his professional life more strikingly than any lawyer who has ever practiced at the bar of Orange County.

On the other hand, Mr. Bacon's social gifts and graces are in the highest degree winning and attractive. One would never suspect, in the velvet palm that greets him at his threshold, the iron hand that crushed him but the day before in court. One would never recognize in the beaming, graceful host the hard-headed lawyer who, with stern, unflinching purpose, will destroy him to-morrow. United in marriage to the brilliant and accomplished daughter of one of America's purest and noblest statesmen, Samuel J. Randall, his home is a center of charming, courtly and gracious hospitality dispensed with lavish, refined and unaffected generosity. Mr. Bacon is the only lawyer in Orange County who has ever both recognized and fulfilled his social duty to his brethren of the bar by throwing open his home to them in receptions intended to bring the judges and the lawyers together in social relations. In olden days and in other counties

this custom once prevailed. Possibly it is because Orange County labors under the misfortune of being a half-shire county—a calamity to any bar for the reason, besides many others, that it effectually destroys the possibility of having a suitable court house—that a spirit of comradeship among its lawyers has never grown up. It is noticeable that in counties where the legal interests converge in one central county seat the brotherly spirit is more active. But, however that may be, Mr. Bacon is entitled to the grateful acknowledgment of his efforts to suspend the asperities of professional conflict in the solvent of social converse. In this, as in every other respect, his leadership of the bar is supreme.

Walter C. Anthony preceded Mr. Bacon a few months in their student life with Judge Gedney at Goshen. No one has painted so perfect and beautiful a picture as he of those halcyon days in that country law office. In his memorial tribute he said:

“But of all the delightful hours spent with Judge Gedney I recall, with most pleasure, our afternoon talks at the office. As the day was wearing late and he began to make preparations to leave, he usually seemed to want to draw me into conversation. Frequently it took the form of an examination as to those branches of the law which I was then reading upon. Occasionally he would draw me into the discussion of some legal question, in which he would maintain an opinion opposed to that which I expressed, and in which after combatting me, with all his ingenuity and acuteness and frequently discomfiting me, he would in the end explain the whole question and point out the errors of either side of the argument. At times some event of the day’s work would be used as a foundation for an explanation of the legal questions involved. In whatever way the conversation was begun his evident purpose was that it should be profitable to me in connection with the studies I was pursuing; and when that end had been accomplished our conversation would wander on ‘at its own sweet will,’ touching on many and varied themes which all developed new beauties and suggestiveness beneath the light of his varied learning and fertile fancy. Is it to be wondered at that I recall them with a chastened delight? Judge Gedney was then in the very prime of his remarkable powers. His mind was a storehouse of varied and interesting knowledge, and his conversational and descriptive skill were not only very great, but quite unique.

“I shall always regard it as one of the most fortunate circumstances of

my life that I was brought into such intimate association with David F. Gedney. And as my life passes on into the 'sere and yellow leaf' and I sit among the lengthening shadows of its afternoon looking back upon the friends and friendships of my youth, I shall very, very often recall Judge Gedney—the slender, erect figure; the strongly marked face; the scant but expressive gesture; the wonderfully melodious and well modulated voice; the words so deftly chosen from a vocabulary surpassingly rich and full, that they always reminded me of the sentence in holy writ: 'Words fitly spoken are like apples of gold in pictures of silver;' and above all I shall recall his kind and generous deeds, the fit exponents of a loving, loyal heart; and, thus recalling him, I shall often in the future exclaim—as I have already in the past—in no empty phrase and with no exaggeration of speech:

'Oh for the touch of a vanished hand
And the sound of a voice that is still!'

This extract is made not solely to embellish the portrait of Judge Gedney, the man—though I indeed left it unfinished intending thus to invoke Mr. Anthony's aid in completing it—but also to illustrate Mr. Anthony's own cast of mind, character and literary style. Mr. Anthony is by nature and inclination, a scholar and a recluse. If he were rich he would shut up his office and browse in his library; but not selfishly, for no one has been more generous than he in responding to demands for public and literary addresses. I heard him once, before the Chautauqua Assembly, give a purely extemporaneous lecture upon wit and humor which for range of reading, wealth of information, critical analysis and brilliant characterization has never been surpassed by our most famous lecturers; and yet it was delivered with a modesty, sweetness and simplicity which seemed to deprecate the suggestion that it was anything out of the ordinary.

His memory of Judge Gedney unconsciously reveals how deep was the impression made in youth upon a mind singularly susceptible to the charms and graces of literature and upon a nature no less susceptible to the beauties and joys of friendship. As in the case of all such natures, the books must be choice and the friends fit but few. Not, indeed, that Mr. Anthony is deficient in the elements of personal popularity. His election twice to the office of district attorney of the county, the duties

of which he most ably discharged, attests his popular strength. But it is undeniable that his predilection for the society of the great and wise of every age, to be found in his well-filled library, has tended more and more to withdraw him from the society of the shallow, the superficial, the frivolous. He stands to-day a lonely but alluring figure, on whose heights those who choose to follow may find in him the charming companion, the accomplished scholar, the earnest inquirer, the inspiring instructor.

Let no captious reader take cynical exception to the note of honest praise sounded in these memoirs. Let it be remembered that, out of hundreds of lawyers, only a few of those entitled to admiration and praise have been selected for extended mention. While personal memoirs should be accurate they need not be exhaustive. In those rare instances in which conspicuous talent has yielded to temptation and, in weakness or dishonor, forfeited public respect, it has seemed to be the truest kindness to pass over it in silence. Indeed, as one surveys the procession down half a century of those who have become notable in the law he is profoundly impressed that not by infirm, invertebrate character have they gained their prominence but only by firm resolution, high endeavor, moral purpose and intellectual power. One is led to wonder not that there should be so few entitled to praise, but that there should be so many. Impartial criticism will demand of the contemporary chronicler not that his praise be stinted, but only that it be discriminating.

Indeed only the most unstinted, unqualified praise would be either just or appropriate in summoning from that stately procession of great and honored lawyers the lofty, imposing figure of Judge John J. Beattie, who for eighteen years—1889 to 1907—presided over the County Court of Orange County, having been elected for three successive terms. His dignity of presence, weight of character and wealth of learning amply sustained the traditions of a bench once occupied by Gedney and Fullerton. Many of Judge Beattie's decisions have been in cases of far-reaching public importance—notably the case involving the construction of the eight-hour law in which Judge Beattie decided that the provision prohibiting a contractor from allowing his men to work over eight hours a day on a public improvement was unconstitutional and void. The Appellate Division reversed but the Court of Appeals affirmed Judge Beattie in an opinion sustaining every position which Judge Beattie had taken in his opinion.

Judge Beattie is grounded in the principles of the law. In all that he does he is thorough, going to the very bottom of the case whether as to the law or the facts. This quality was strikingly brought out in the case tried by him for eight days before Judge Maddox involving the liability of a railroad company for the damage resulting from the explosion of a locomotive boiler. There was absolutely nothing about a boiler that Judge Beattie did not understand. One would have supposed that he had been brought up in boiler works and had then run an engine on the road. He succeeded in dividing the jury and Judge Maddox said after the trial that he had never seen a finer display of sheer intellectuality than Judge Beattie's management of the defense.

He is an omniverous reader and his marvelous memory retains all that he ever read. His conversation is an intellectual feast, for he pours out a never-failing stream of literary anecdote, historic incident and choice passages from the classics of every age, all ready to gush forth from his well-stored memory as the conversation glances from one subject to another.

Judge Beattie carries into his retirement from the County Court the gratitude and respect of the bar and of the public for the fine example of judicial dignity and learning which he has given for eighteen years—an example which may well be followed not only by all who succeed him in the County Court, but by all who administer in the same court houses and from the same bench the wider jurisdiction of the Supreme Court.

Having considered several leaders of the bar who came into practice in the late sixties, but who, like their predecessors, Winfield, Gedney and Fullerton, were never invited to the bench of the Supreme Court, we come now naturally to that group of their early associates who have achieved judicial honors, those honors which have always held a glittering fascination for the bar whether in the wearing or the recounting of them. There never have been enough judgeships to go around and the long tenure now established wholly excludes rotation among the leaders of the bar in respect to judicial position. Hence the prospect that any member of the bar, however able, will ever attain judicial honors is so remote and dependent upon so many unforeseen conditions that when they do descend and repose upon the modest brow of some highly favored but always unenvied brother, the circumstances combining to produce such a fortuitous selection possess all the charm of romance and all the fasci-

nation of a fairy tale. While it is true that many unforeseen conditions must always unite in determining the destination of this coveted prize, there still seems to be one inexorable condition to which all Orange County aspirants must conform. They must not reside in the interior of the county. They must practice in the old, historic city of Newburgh—a city which has always taken a deep, honorable, patriotic pride in its Revolutionary associations and in the land they represent, but which has no more pride in, no more sense of connection with, Orange County as a whole than West Point has. Its bar has always been distinguished for great ability and high character.

The Supreme Court of the State of New York, the wide jurisdiction of which extends from Long Island to the St. Lawrence and the Lakes, was never more fortunate than in the acquisition to its bench from the Newburgh bar of the two Browns, father and son—John W. Brown and Charles F. Brown—the elder having ascended the bench in 1850 and the younger in 1883.

It is Charles F. Brown who belongs to the period we are now considering. Graduated from Yale College in 1866, admitted to practice in 1868, elected district attorney in 1874 and county judge in 1877, he resigned in 1882 the position of county judge to assume the duties of supreme court judge.

Mr. Winfield had always ardently desired a position upon the bench of the Supreme Court. It was one of the bitterest disappointments of his life that he so narrowly missed this object of his ambition in 1875, when Judge Dykman was elected. In that year the widespread revolt among the bar and public against the re-election of that most unpopular official, Judge Tappen, who had received the regular democratic nomination, made it evident that any independent democratic candidate who should receive the endorsement of the republican convention would be elected. Mr. Winfield's hopes of receiving this endorsement rose high and were on the point of being realized when an unexpected influence intervened to dash them. General Benjamin F. Tracy, who had a long-standing personal feud with William Fullerton, the brother of Stephen W. Fullerton, suddenly came to the conclusion that he did not want upon the bench an intimate friend of the Fullertons. He therefore threw his influence in favor of Jackson O. Dykman, then a prominent democratic lawyer of Westchester County, who thus received the nomination. His

election by a large democratic and republican vote confirmed the prediction that such a coalition would easily accomplish the defeat of Judge Tappen. Orange County, notwithstanding that it shared Mr. Winfield's disappointment, followed his generous lead in supporting Judge Dykman and gave him a majority of 10,000. No one labored for Mr. Winfield's nomination at this time more earnestly than Charles F. Brown himself.

In 1882 Mr. Winfield's hopes of obtaining a nomination revived, but Charles F. Brown, who cherished the natural and honorable ambition to emulate his father's noble example and distinguished career as a jurist, felt that he ought not to stand aside again. He of course secured the delegate from his own assembly district without opposition. Overcoming the opposition offered by Mr. Winfield's friends in the second assembly district, he secured its delegate also. By thus presenting a united front Orange County was able to successfully assert its claims in the judicial convention and to secure for Judge Brown the nomination that was followed by his election.

No one was more gratified by Judge Brown's election than Mr. Winfield himself, especially as it involved the defeat of General Tracy, the very man who, seven years before, had snatched from him the same prize when almost within his grasp. When General Tracy, of Kings County, was nominated by the republican convention against Judge Brown, of Orange County, he confidently expected to defeat Judge Brown, whose greatness was then unknown to the district at large, through the promised support of many large Brooklyn interests. But all his calculations were confounded by a wholly unexpected event. This was the cataclysm in which Grover Cleveland, with whom Judge Brown was running, carried the State by the enormous, unprecedented majority of 200,000.

Thus was Orange County enabled to contribute to the bench of the Supreme Court a jurist who, in the fourteen years of his incumbency, made a profound, a lasting impression upon the jurisprudence not only of his State but of his country.

After serving for six years with great acceptance in the trial and special terms, he was, upon the formation of the second division of the Court of Appeals, promoted to its bench. His services during the four years' existence of that court were of the highest value, his luminous opinions being still quoted and followed in every State in the Union.

Some of the litigations which came before him were in the highest degree difficult and complicated; one of the most important being the case involving the construction of the Tilden will, in which the opinion of Judge Brown, declaring the trusts invalid, was adopted by the court. His opinions rendered in this court constitute an imperishable monument to his learning and ability.

Judge Brown's manner upon the bench, at trial and special term, was a happy mingling of simplicity and dignity. His most noticeable personal trait was his entire lack of self-consciousness. He never thought about himself or about the impression which he might be making upon the bar or the public. His mind was wholly upon the case and upon the principles involved in it. He was considerate of the feelings of counsel and rarely rebuked them for imperfect presentation of their views. When they wandered from the point he thought about the case and when they came back to the case he followed them again. It is simply the truth of history to say that the members of the bar, not only of Orange County but of the entire State, do not expect to see in this generation a nearer approach to the ideal judge than they were permitted to behold during the fourteen years of Judge Brown's incumbency.

There was one marked characteristic of Judge Brown while upon the bench which deserves more than a passing mention. After a case was submitted to him and while it was still under consideration he was never afraid to enter upon a discussion of the principles involved in it, with either of the counsel he might happen to meet, if he felt that such a discussion might prove profitable. In this respect he differed from some of his colleagues who were perfectly aghast at the thought of counsel conversing with them upon any phase of a pending case in the absence of opposing counsel. This of course was due to their high sense of the importance of preserving not only real impartiality but the strictest appearance of impartiality. But there was something in Judge Brown's character which did not need the protection of such a rule; something in the very atmosphere which he threw out; something in the impression which he gave of being simply a thinking, working, impersonal, intellectual machine, which left no room for misunderstanding on the part of any lawyer thus admitted to a share in his deliberations and which left his judicial independence and impartiality absolutely untouched. This capacity at once constitutes the highest test and the consummate type of the strictly

judicial temperament. To this test Judge Brown easily responded and of this type he was the perfect embodiment.

No one can be accused of sycophancy in awarding to a judge long since retired from the bench his merited meed of praise and gratitude for distinguished public services. Nor even in the case of judges still occupying the bench can such a charge fairly lie when the faithful historian surveying and reviewing, from the serene heights of retirement and reflection, the stirring scenes in which once he bore an active part, is now as indifferent to, as independent of, the opinions of judges as they are of his. It would indeed be far more entertaining if there could be contributed to this volume the opinions which the judges hold of each other, thrown into literary form instead of merely being promulgated from the bench or disseminated by the press. When, upon the occasion of Queen Victoria's jubilee, the judges met in London to prepare an address to Her Majesty, the proposed draught submitted to them began with the words, "Conscious as we are of our shortcomings," whereupon Lord Bowen gravely suggested, as an amendment, "Conscious as we are of *each other's* shortcomings." Human nature is very much the same here and in England; very much the same, in its manifestations, among judges and among lawyers.

Judge William D. Dickey ascended the bench in 1896, one year before Judge Brown's retirement from it. The second judicial district, of which Orange County then formed a part, was for many years democratic and it was not unusual for the republican conventions to endorse the democratic nominations. But in 1895 there seemed to be such a fair prospect for success that the republicans put forward a full ticket of judicial nominees, including Judge Dickey, who was elected, though one of his associates upon the ticket, Hugo Hirsch, of Brooklyn, was defeated by Judge Martin J. Keogh, whose court ought to be attended every year by visiting delegations of judges from all parts of the State as a training school and object lesson, illustrating how a busy judge may at all times, in all circumstances and under all provocations still be the model, faultless, consummate gentleman.

Although Judge Dickey removed from Newburgh to Brooklyn soon after his election and is counted as a judge of the second judicial district, while Orange County is now a part of the ninth judicial district, still Orange County is where he was born; where his professional life was

passed; where he rose to prominence and power, and where he lived when he was elevated to the bench. He exhibited even in boyhood the qualities which have marked his public career, his patriotic ardor inspiring him to enlist in the Union Army when only seventeen years of age; his promotion being so rapid that before he was twenty years old he had been breveted colonel in recognition of conspicuous gallantry.

Admitted to practice soon after the close of the Civil War he threw himself with characteristic energy not merely into the legal contests which arose in his city, but into all the public and political controversies of the day. Ardent in his affections and implacable in his hatreds, loyal to his friends and relentless to his enemies, he soon acquired an extensive influence and attracted to himself a devoted following, both personal and political.

The public spirit and civic pride shown by Judge Dickey in promoting every enterprise tending to beautify or benefit his native city was generally recognized and his election to the constitutional convention of 1893 was a distinct turning point in his career. His ability, vigilance, authority, force of character and readiness in debate, soon gave him a dominant influence in the deliberations of that highly intellectual body—an influence aided by his commanding presence and resonant voice, advantages not without value in that most difficult of all auditoriums, the assembly chamber in the Capitol at Albany. Among the many far-reaching reforms which he proposed or advocated in the convention he undoubtedly looks back with special satisfaction upon the provision incorporated, with his active support, in the new constitution prohibiting any legislative limitation upon the amount of recovery for death occasioned by negligence, since he has had abundant occasion in his experience upon the bench to verify his convictions of the justice, necessity and public policy of this amendment.

Judge Dickey displays upon the bench the same sterling qualities which marked his active professional career. Among them none is more pronounced than his remembrance of and kindness to old and valued friends. The exercise by a judge of the patronage necessarily pertaining to his office has always been a trying question for him. But since one lawyer has no natural, superior claim over any other lawyer upon the fruits of patronage, there seems to be no reason why a judge should not be permitted to gratify his feelings of friendship and esteem in the appoint-

ment of referees whom he knows to be not only estimable but entirely capable. No one questioned this sentiment or principle of conduct when Judge Brown appointed his old friend and partner, Mr. Cassidy referee to sell the West Shore railroad, or when he appointed his old friend, William Harvey Clark, of Minisink, receiver of the Port Jervis and Monticello railroad; Mr. Clark, by the way, proving to be so capable a receiver that he not only paid its debts but surprised the stockholders by handing over to them a large amount of money.

But in the distribution of patronage Judge Dickey has not only been loyal to the claims of private friendship; he has nobly used it in the recognition of the debt which the public owes to distinguished public services and sacrifices. I know one able lawyer whose physical infirmities disqualify him from active practice at the bar, but whose eye is still as clear, whose judgment as alert as when, from the heights of Gettysburg, he directed the Federal forces on the first day of the battle and saved the fortunes of the day till they could be turned and redeemed upon the morrow. In appointing this old hero to important service in various public condemnation proceedings, in which his sound judgment and wide experience have been utilized to the public benefit, Judge Dickey has entitled himself to the gratitude of all who believe that conspicuous worth and patriotic service should not be forgotten and neglected by judges any more than by governors or presidents. And personal gratitude is no less due to Judge Dickey from all those whose appointment by him to positions of trust and responsibility has enabled them to justify his own unerring judgment as to their fitness and capacity.

It was in the autumn of 1902 that Judge Dickey was called upon to pass through the first deep sorrow of his life in the loss of his only son, Frank R. Dickey, cut off in his young manhood at the very beginning of his promising career at the bar. Born and educated in Newburgh he had followed his father to Brooklyn, where he established himself in practice and where he soon won a large and growing clientage. His solid abilities; his pure, lofty character; his open, sincere nature; his refined, engaging manners; his gentle, amiable disposition united to create a personality of singular charm and interest. Troops of new friends, attracted to him by the graces of a sweet and beautiful character, joined with those who had always known and loved him in heartfelt sorrow over the untimely grave of Frank R. Dickey.

Judge Dickey's wide experience in affairs, with his knowledge of human nature, its secret springs and devious ways, enables him to arrive at decisions always prompt and usually just. His influence upon the bench has always been powerfully exerted in support of the domestic virtues and social purity. Gambling, which is fast becoming one of the most threatening of our national dangers, as it is already one of the most degrading and corrupting of our social vices, whether practiced by men in policy shops, or by women at bridge parties, finds in him, whenever it comes within his judicial purview, neither countenance nor toleration.

There is one trait of Judge Dickey upon the bench which calls for special mention. When, in an action which has been tried and decided by him, without a jury, the attorneys come before him for settlement of the case upon appeal, he does not seek to emasculate the appeal, as some judges in their weakness and vanity do, by striking out the exceptions designed to bring up sharply for review the points of difference between him and the defeated counsel. He always gives the unsuccessful and dissatisfied litigant a fair opportunity to review every issuable ruling and to get a reversal if he can. He is not hyper-sensitive upon the subject of being sustained by the appellate courts. Indeed, his mental attitude toward them is doubtless reflected in the remark once made by the famous judge, Lord Young, when he was told that one of his decisions had been affirmed upon appeal by the House of Lords, "Well, I may have been right, notwithstanding," said Lord Young.

As Judge Dickey has never been assigned to the Appellate Division and much prefers the close contact with the bar and with vital human interests which is enjoyed by judges constantly engaged in trial term and special term, he has never felt called upon to accompany his decisions with opinions of any length. When he does write, his opinions are clear, terse and sententious. Indeed there is very little satisfaction for a judge at special term in writing elaborate opinions, only to find them arrested and archived in that mere vestibule of fame, that hall of unmerited but predestined and pathetic oblivion known as the Miscellaneous Reports.

But the waters of a cruel, though often kindly, oblivion can never wholly submerge the fine superstructure of judicial fame reared by Judge Michael H. Hirschberg upon a foundation of singularly exclusive, concentrated, severe, professional, intellectual and literary training. Born and reared

in Newburgh, but coming to practice at the bar without those intermediate college advantages enjoyed by his life-long friend and associate, Judge Brown, whom he succeeded upon the bench, he has, nevertheless, strikingly verified the saying of Carlyle that, after all, books are the best university. During all the years of his professional activity in Orange County he sedulously, patiently wrought out, cultivated and perfected a crisp, nervous, virile, epigrammatic, yet withal, polished, mellifluous, ornate and opulent English style which constituted an admirable discipline and equipment for the very field of juristical service in which he was later destined to engage.

Elected in 1896 to a seat upon the bench, he was, after a brief period of service at trial and special terms, assigned to the Appellate Division, and later, upon the retirement of Judge Goodrich, he was appointed the presiding justice of the court. This was the opportunity for which his slumbering, but not unready, accomplishments long had waited. Then ensued the disclosure to his judicial associates and to the bar of the State of those attainments as a writer and as a jurist, which had long been known to the bench and bar of his county and his district. While comparisons are often more dangerous than odious his career almost inevitably reminds one of that literary lawyer, known then chiefly for his writing of "The Blue and the Grey," who was summoned by his friend, Governor Cornell, from his scholarly seclusion at Ithaca to take a seat upon the bench of the Court of Appeals; and who thereupon enriched the literature of the law with a body of opinions, unrivaled for English style and judicial learning, which have entranced and instructed two generations of lawyers. Equally true is it of Judge Hirschberg that already has he permanently enriched the Reports of the Appellate Division with a series of opinions which, for lucidity of statement, force of reasoning, felicity of style, and perfect command of the literary implements adapted to the expression of exact distinctions or delicate discriminations, stand unrivaled in the pages of these imposing volumes, which will long perpetuate his fame as a judicial writer.

One characteristic of Judge Hirschberg during his brief service in holding trial terms should be mentioned, because no ponderous tomes can reveal character. Contemporary history must transfix for posterity the personal traits and manners of a judge. When Judge Hirschberg was elected even his intimate friends supposed, from long familiarity with his

extraordinary quickness of mental action, his scintillations of repartee in social life and his swift rejoinder at the bar, that he would show some impatience with the slowness, dullness and density due to imperfect preparation or inherent inaptitude, which every judge is called upon, more or less frequently, to endure; that he would find it difficult to restrain the bubblings of wit and sarcasm at the expense of ignorance or incapacity. But on the contrary, he proved to be the most gentle, indulgent and long-suffering of judges. The wearisome lawyers might drone on, he made no effort to take the trial of the case out of their hands and try it himself. ~~we~~ could try it better than they, but he felt it his duty to let them try it in their own way. No one could tell what he was thinking of them or their methods. He might be a maelstrom of seething disgust or amusement within; but he wore the impassive, inscrutable, incommunicative exterior of a sphinx. Under the responsibility of his great office he unconsciously developed and engrafted that quality which Judge Jenks in his impressive eulogy upon Judge Wilmot M. Smith declared to be almost the greatest attribute of a judge—infinite patience.

And since the entire bar of Orange County regarded with peculiar affection the character of Judge Smith and now holds in deepest veneration his sacred memory, it is not amiss to incorporate in this record that expression of its feelings by Judge Hirschberg himself, which sheds a reflected light upon his own standards of duty and with which this attempt to limn his portrait for succeeding generations may fitly close:

“Judge Smith was truly an ideal jurist, profound as a lawyer, estimable as a citizen, lovable as a man. The mortal part of each life ends necessarily in nothing but an insignificant contribution to an immense volume of pathetic dust, but the spiritual sense is satisfied when, as in this instance, the ashes are sanctified with the memory of a noble life devoted to duty and glorified with the love of God, of justice and of humanity.”

And now, having sought to project upon the canvas a faithful portraiture of the judges who were drawn into the public service from the Orange County bar, within the period embraced in these personal recollections, it is convenient and fitting at this time to briefly outline the conditions of practice which prevailed in Orange County at the time they came to the bar—Judge Dickey in 1866 and Judges Brown and Hirschberg in 1868—when Winfield, Gedney and Fullerton were at the zenith of their powers and their reputation. It is a great mistake to assume that the

older members of the bar were satisfied with these conditions. On the contrary, they bitterly chafed under them. The number of judges was wholly inadequate to the needs of the district, as will readily be seen when it is considered that twenty-five judges are now required to serve the same territory then covered by only four judges upon whom devolved all the motions, trials and appeals arising and heard within it. The ever-increasing volume of business created by the rapid growth of Brooklyn made it impossible for the judges to hold a trial term—then called the “circuit term”—longer than five days. The judges were indeed upon a circuit, for they were always under assignment to open court in some other county on the following Monday. Every Thursday afternoon or Friday morning the judge marked off the calendar every case which could not be tried in time to enable him to leave on Friday afternoon in order to hold his Saturday special term. This arbitrary, inexorable limitation of time, which was equivalent to shutting out many cases that had been carefully prepared, was most cruel to the younger members of the bar whose sole chance of either emolument or distinction lay in getting their cases tried; while to say that these conditions were satisfactory to the older members of the bar of that period would violate the truth of history. They always unduly and often indecently accelerated the trial of important cases in which advocates like Winfield and Gedney were spurred to an undignified celerity which was not merely distasteful but detestable to them. Both Winfield and Gedney were tenacious of dignity, deliberation and decorum in the administration of justice. They disliked extremely to be told, “Go on with the case, gentlemen,” or to be asked, “What are you waiting for?” They could not share the glee manifested by the judge when he succeeded in having three juries “out” at one time, and boasted to the justices of Sessions at his side how he was “expediting the business.” They, too, wanted the business advanced, but they wanted it done with due regard to the traditions and the usages of the bar. Winfield was especially the distinct representative in this county of the old Websterian school of advocates. He believed earnestly in the maintenance of all that form and dignity, of all those ancient usages and proprieties which once uniformly marked the relations to each other of the bench and bar. When in 1874 I met him in Albany to argue my first case in the Court of Appeals, then presided over by that most urbane jurist, Judge Sanford E. Church, Mr. Winfield carefully attired himself on the morning of the argument in a

full-dress black suit with its broad expanse of shirt front, now used only for evening wear, but regarded at that time as a suitable uniform for appearance before the highest court in the State; just as, at a slightly earlier period, Webster and Pinckney appeared before the Supreme Court at Washington in blue coat and brass buttons, with buff waistcoat. How different from the present when able lawyers in short sack coats of gray, looking like commercial travelers, hasten from the Albany station to the two o'clock sessions of the court without stopping to even remove the dust of travel before launching into their keen and brilliant arguments.

When Judge Joseph F. Barnard, of Poughkeepsie, upon the transfer of Judge Lott to the Court of Appeals in 1869, became the presiding judge of the old general term, he became also the presiding genius, the dominating, all-pervading spirit of the second judicial district. He was opposed to any increase in the number of judges. With his insatiable voracity for work and his preternatural velocity of thought, enabling him to accomplish as much alone as the other three judges combined, he thought that four judges ought to be fully able to keep up with all the business of the district; as indeed they were if the administration of justice, involving the most profound issues of human life and society, had been merely a matter of getting the business out of the way, as on a wharf, to make room for the next cargo.

The judges, fresh from their several circuit terms, met in the general term and proceeded to hear appeals from the decisions made by themselves at special and trial term. It was, indeed, an impressive, inspiring and solemn spectacle to see Judge Tappen and Judge Gilbert gravely considering whether they would reverse Judge Barnard; and in the next case Judge Tappen and Judge Barnard sitting upon Judge Gilbert. Of course the tacit challenge, "You reverse me, I'll reverse you," pervaded all the proceedings. Nothing else could be expected of human nature. It has never been pretended that the State supplies lawyers with any superior, exclusive brand of human nature when it gives them their diploma, and judges are simply lawyers upon the bench. That an appellate system should ever have been devised so exquisitely adapted to defeat its object and destroy respect for its operations was not, of course, the fault of the judges of the second district.

When the general term sat in Poughkeepsie, as it did every May, to accommodate Judge Barnard, the business was disposed of even more

rapidly than in Brooklyn, Judge Barnard greeting with delight any lawyers who would appear at eight o'clock in the morning, both ready to argue their appeal in advance of the regular session. The judges constantly interrupted the attorneys to assure them that they could not possibly remember what they said but that they would read their briefs. It was of course true that no human mind could retain or even grasp the arguments discharged at the court as from a catapult by attorneys gasping for breath in the mad race against time.

Some amelioration of the intolerable conditions under which circuit terms were held in Newburgh and Goshen was effected through the election in 1870 of Judge Calvin E. Pratt, whose conservatism, affability and dignity won for him universal respect. This improvement was extended by the election in 1880 of Judge Edgar M. Cullen, whose high sense of absolute fairness to all suitors alike led him to devote as much time and thought to a case involving a trifling amount as to one involving large interests; though even he was merciless in his infliction of night sessions upon the attorneys during the hot June term at Goshen, a course to which he felt impelled because of his inability to remain longer than one week and his desire to crowd as much work as possible into that wholly inadequate time.

The comfort and convenience of the Orange County bar and the interests of litigants were served to a still greater degree by the election in 1882 of Judge Charles F. Brown. Though he could not extend the trial terms beyond two weeks, on account of his assignments to other counties, still he held a special term every Saturday at Newburgh where, by consent of counsel, many cases were tried that otherwise would have been tried before a jury, thus affording great relief to the overtaxed calendars of the trial terms.

From that time to the present there has been a steady reaction against feverishness and ferment as a suitable atmosphere for judicial proceedings and a gradual return to calm, neutral, deliberate, dignified, decorous methods of judicial procedure, until finally, for the first time in the history of the county, a four-weeks' term of court was held in February, 1907; this being one of the first fruits of the formation of the ninth judicial district, consisting of the river counties alone—a change which was opposed by some Orange County lawyers but which is now generally recognized as, in the highest degree, conducive to the convenience and interests

of the bar and of the public, though it does involve some additional burdens upon jurors.

Forty years ago the familiar excuse made by judges for dispatching business with unseemly haste was their solicitude for the time and convenience of the jurors. Indeed there never was a judge more popular than Judge Barnard among jurors, witnesses, spectators and the public. They admired the celerity of his movements and they were vastly entertained by his caustic remarks to counsel. But his remarks about counsel and witnesses during the progress of the trial were far more entertaining and racy than any the public was permitted to hear. The favored persons privileged to hear these were his associates upon the bench of the old Oyer and Terminer, since abolished and now merged in the Supreme Court. They were drawn from the justices of the peace of the county and with the presiding judge constituted the criminal branch of the court. Squire George A. Durland, of the town of Greenville, who sat in this capacity next to Judge Barnard at many terms of court, never tired of telling about the trenchant, scathing, witty commentary kept up by the judge upon every incident of the trial, the counsel engaged in it and the witnesses sworn upon it.

During Judge Barnard's entire tenure of office the plea of not taking up the time of the jurors was invoked to override every other consideration. Not even death itself was superior to it or sacred from it. When Mr. Winfield died on the tenth of June, 1888, and court convened at Goshen on Monday, the eighteenth of June, Judge Cullen suspended the regular business of the court at four o'clock to allow a suitable tribute to his memory, including several addresses in addition to the resolutions. But when Judge Gedney died, a month later, there was no opportunity to take formal action upon his death at a trial term until the regular November term. Accordingly, when court convened at Newburgh the twelfth of November an informal request was made to Judge Barnard for an opportunity to pursue the same course in respect to Judge Gedney's memory that had been adopted at Goshen in respect to Mr. Winfield. Judge Barnard promptly and firmly refused to allow the time of the jurors to be taken up in this way, adding: "Why, he's been dead some time, hasn't he?" So it became necessary to change the plan and to offer simply a motion "that a committee be appointed to present at a *meeting of the bar of Orange County to be hereafter called* suitable resolutions." That there

should be further delay in honoring the memory of this great lawyer and brilliant advocate, after there had already been a necessary delay of four months, is not a reproach that rests upon the bar of Orange County. As the motion occupied only two minutes it was promptly granted and the committee purposed to present the resolutions at the following term of court to be held at Goshen in January, 1889, which was expected to be presided over by Judge Brown. But when Judge Brown was transferred to the Court of Appeals he became disqualified from holding the term and Judge Barnard unexpectedly took his place. Admonished by previous experience no attempt was made to present the resolutions at that time or to apply for permission to make addresses in honor of Judge John G. Wilkin, who, also, had meantime died. So the tributes of the Orange County bar to Judge Gedney, Judge Wilkin and Surrogate Henry A. Wadsworth, whose death also had occurred, were massed together at a meeting of the bar presided over by Judge Brown on Saturday, the second day of February, 1889, seven months after the death of Judge Gedney, without those customary adjuncts to the dignity of the occasion—the crowded court room; the attendance of litigants, jurors and witnesses from all parts of the county; the solemn pause in the business of the court; the impressive silence; the strained, eager attention of old friends in the audience to the last tributes of respect for one they loved; all of which were not only appropriate but, indeed, imperative in honoring one who had so often held that very court room silent, captive, enthralled by the spell of his genius.

If Judge Gedney's brethren had felt, in the first instance, that a tribute to his memory at a mere meeting of the bar would be appropriate and adequate, it would not have been delayed seven months, as such a meeting could have been called at any time after his death. That it was not so called shows the strength of a sentiment which was ruthlessly trampled upon by judicial contempt not merely for all the traditions of the bar but for all the sacredness of love and death.

At the same time the bar always recognized with gratitude the earnest desire on the part of Judge Barnard to transact all the business that he could and to accommodate the bar as much as possible. It was this disposition that led to his constant signing of *ex parte* orders without looking at them, trusting to the honor of the bar not to impose upon him and, also, to a motion by the other side to vacate any improvident order. The

lawyers, through long custom, so came to prefer this system that they resented any departure from it by new judges who could not take this view of their duties. When Judge Brown's transfer to the second division of the Court of Appeals led to the Newburgh special terms being taken by Judges Cullen and Bartlett, the bar practically boycotted them in favor of Judge Barnard's Saturday term at Poughkeepsie, merely because both Judge Cullen and Judge Bartlett manifested a very decided preference to know what they were signing. Gradually, however, the lawyers learned that this course was not intended as a reflection upon the bar, but as a help to it, in preventing any such mistake or oversight as might lead afterwards to serious consequences. Of this I once witnessed a striking illustration. An attorney desired an order to examine a party before trial in a case in which the examination of his adversary was absolutely essential to his success in the litigation. Judge Bartlett sent the affidavit back to him three times for correction and the order was finally sustained in the Court of Appeals because of the sufficiency of the affidavit. All this involved to Judge Bartlett conscientious labor and minute examination which he might well have shirked and which judges generally consider counsel have no right to expect of them or to impose upon them.

Judge Barnard was the most conspicuous of all the judges in his anxiety to save the lawyers the trouble of travel in order to transact their business. He instructed the Orange County attorneys to mail to him an order designating a referee of their own choice, to compute the amount due in foreclosure cases, with the report of the referee signed by him in anticipation of his appointment, together with the judgment of foreclosure; whereupon he signed at the same time both the order of reference and the judgment of foreclosure, promptly mailing them back, although it was physically impossible that the referee should have acted in the interval between his appointment and the judgment. This practice, which is now regarded as irregular and which even the most accommodating judges now discountenance, resulted in no harm, for it rested upon the most implicit good faith on the part of the attorneys, while the confidence of the judge was never, in a single instance, abused. An incident strongly illustrating this trait of Judge Barnard also grew indirectly out of Judge Brown's transfer to the Court of Appeals. Judgments of foreclosure in cases in Sullivan County had usually been taken before Judge Brown at Newburgh because, though in another judicial district, Orange County is an

adjoining county and this is permitted by the code. But soon after Judge Brown left Newburgh an attorney, overlooking the fact that Dutchess County does not adjoin Sullivan, sent the papers in a Sullivan County foreclosure case to Judge Barnard to be signed by him on Saturday at Poughkeepsie. His eagle eye at once noticed that the action was in Sullivan County and that he had no jurisdiction to act in the case in Dutchess County. Any other judge would have returned the papers, calling attention to the difficulty. But did this satisfy Judge Barnard? Not at all. This would not have advanced the business. This would not have "helped out the boys." So he struck out the word "Poughkeepsie" in the order and judgment and in his own handwriting substituted the word "Newburgh," thus making himself, by a legal fiction, sit in an adjoining county for five minutes, for the purposes of that case, though he was actually in Poughkeepsie all that day, and though he never held a Saturday special term in Newburgh in all his life. Judge Cullen and Judge Bartlett would have felt that they were inviting impeachment by such an act, and yet Judge Barnard was moved solely by the desire to facilitate the business of the attorneys in every possible way. To him an irregularity meant nothing unless it meant also a wrong. But those days have passed and have been succeeded by better days, in which it is recognized by the courts and the lawyers alike that they should co-operate in making even their routine practice so regular as to exclude any possibility of error.

There will be no sigh in this retrospect over the better days of long ago, no wail about the "good old times." The better days are now and the good times have come at last. The new generation of lawyers now entering upon their active career has reason for gratification that the facilities for the orderly, deliberate, tranquil trial and hearing of their causes, with the prospect that even and exact justice will be rendered in them, are greater to-day than at any previous period in the history of the county. There never was so good an opportunity for a young, ambitious, able advocate to win fame at the bar of Orange County as there is to-day. While the subjects of litigation and the conditions of business have somewhat changed in the last fifty years, human nature has never changed. Juries respond to-day as readily as then to the touch of a master spirit. When jurors ask nowadays why they do not hear such speeches at court as their fathers have told them about the answer generally given is that

judges frown upon anything like display and hold the lawyers down to business. The business of an advocate is to make a good speech and no judge ever was able to stop a good speech. Let no young lawyer seek indolent refuge in the pretext that the judges will not give him a chance. Let him not, with difficulty, fold his restless pinions lest they be arrested in their soaring flight by judicial insensibility. No, the reason that forensic eloquence has so lamentably declined in Orange County lies not in the hostility of judges, but in the absorption of lawyers themselves in the merely material, sordid aspects of life, to the exclusion of any interest in those liberal arts and erudite pursuits which alone can anoint the hesitating lips with the honey of eloquent discourse. The field is clear for another Winfield or Gedney.

It is the fashion to say that the influence of the bar has declined—that the legal profession, as a body, does not enjoy the same measure of public respect which was paid to it in the early days of the republic, or exercise now that ascendancy over public opinion which once it exerted so powerfully and so naturally. It is true, indeed, that coincidently with the stealthy, sinister growth in the Northern States of the modern machine methods of party management the lawyer has been gradually and inevitably displaced as a leader of public opinion. It is only in the South that the influence of the lawyer among the masses is still unshaken because there the appeal of candidates is still made directly to the people who, through their primaries and in other republican ways familiar to the fathers and founders of the nation, express their preference and give effect to their choice.

But it is significant that, even in the North, whenever the people at large resolve to destroy long-standing abuses or odious machines, as, at stated intervals, they always proceed to do, they turn instinctively, as of old, to the plain, simple, honest, busy, practicing lawyer. Among the lawyers elected to the high office of governor of our State the three governors whose homely, direct, straightforward methods have most captivated the imagination and impressed the conscience of the passing generation are Tilden, Cleveland and Hughes, who simply brought to their duties the habits, the instincts, the training and the ideals of the old-fashioned country lawyer, whose first aim is always to protect the interests committed to his charge without any thought as to the effect of his course upon his own interests, popularity or future. This training, this

tradition, this character of the true lawyer still happily survives all changes in political methods or party management and still constitutes the highest security the people have for the faithful administration of their laws, wholly unswerved by selfish, ulterior or sinister purposes.

At the time, now forty years ago, to which my memory of the Orange County bar runs back, these honorable traditions were wholly maintained by a bar, the members of which still enjoyed a high place in the public esteem and exercised a profound influence upon public opinion, based upon the dignity and importance of their profession as well as upon their personal talents and character. The relations between the lawyers and the farmers were particularly close, confidential and agreeable. The soil was still largely occupied by men of character, education and intelligence who freely sought the counsel and society of their friends among the lawyers at whose offices and homes they were as cordially welcomed on a social or political call as upon a professional visit. The reason that the sons and successors of the lawyers of that day have, to some extent, lost touch with the interests of the soil is that the farmers of that day were not able to persuade their sons to become their successors. The saddest change that has overtaken Orange County in the last forty years is not in the character of its professional men, but in the character of its farming population.

Identified with the period included in the personal recollections here but partially preserved are several groups of fathers and sons who may for convenience be considered together; especially as a sufficiently consecutive view of the period has now been presented to admit, henceforth, of greater latitude in respect to time and order.

Joseph W. Gott, senior, died in 1869 after twenty-seven years' continuous practice in Goshen, where he established the enviable reputation throughout the county of being one of the most honorable and high-minded men, as well as one of the most able and successful lawyers, known to his generation. His premature and deeply regretted death occurred before his only son could be admitted to practice.

Joseph W. Gott, Jr., was admitted in 1875 and since then, like his father, has practiced continuously in Goshen. No higher praise can be bestowed upon him than to say, that while he has, by his own vigorous intellect and independent character, won for himself prominence at the bar, he has never lost sight of the high ideals which animated his father.

The general confidence in his supreme honor and integrity which he has always enjoyed corresponds most touchingly to the confidence and respect always inspired by his honored father. With him is now associated in practice his own son, Percy Van Duzer Gott. These two are mentioned first in the group of fathers and sons because they are the only lawyers in Orange County, thus associated, who constitute and represent four generations of Orange County lawyers. For in them flows not only the blood of the elder Gott, but the blood of the Van Duzers and the Gedneys.

Isaac R. Van Duzer, who married in 1826 the older sister of Judge Gedney—their daughter, Charlotte, being married to Joseph W. Gott in 1847—was, undoubtedly, the most brilliant advocate, with the single exception of Ogden Hoffman, who ever addressed an Orange County jury. All the accounts of contemporaries and all the traditions of the bar unite in this verdict. Often have I heard Judge Wilkin, who as a boy heard him in Goshen, expatiate upon his transcendent powers. He died prematurely in his fortieth year, but the opinion entertained by his generation was that, had he lived, his name would have gone down to history with the foremost orators of his age. Of their distinguished ancestry at the bar of Orange County the Gotts may well be proud; for the junior member in the present firm is now the fourth in a line of lawyers whose practice and residence at Goshen have extended over a period of eighty-five years—from 1823 to the present time.

John W. Brown was admitted to practice in 1822, just one year before Mr. Van Duzer, to whom he was related, Judge Brown having married a Reeve, which was the family name of Mr. Van Duzer's mother. It is remarkable that if the practice of Judge Brown and of his own son, Charles F. Brown, had not been interrupted by extended terms of judicial service in the life of each—sixteen years in the life of the elder Brown and fourteen years in the life of the younger—the continuous practice of the two Browns would now cover a period of eighty-six years. As it is, their contributions in two generations to the jurisprudence of the State, at the bar and on the bench, cover a longer period than that embraced in the careers of any father and son associated with the legal annals of Orange County. I say still associated because, although Judge Charles F. Brown is now one of the two or three acknowledged leaders of the bar of the State, with his office in New York City, where his practice is

largely in the Appellate Courts, he still retains his residence in Orange County and a nominal connection with the firm established in Newburgh by his former partner, Mr. Cassedy.

His own career has already been sufficiently treated in its appropriate place in this commentary. It only remains to add that his life-long veneration for his father's memory and his consistent emulation of his father's example supply an element of interest to his career and of filial tenderness to his character not appreciated by the thousands of his admirers, among the judges and lawyers of the country, who know him only through the cold medium of his published judicial opinions.

Judge John W. Brown was undoubtedly a great man. Serving two terms in Congress from 1833 to 1837; a prominent member of the Constitutional Convention of 1846; elected in 1849 to the Supreme Court and again in 1857, his life was one of unceasing activity, influence and power. His greatness as a judge may be inferred from the remarkable circumstance that no decision made by him was ever reversed by the Court of Appeals, of which court he was himself a member, under the system then prevailing, during the last years of his successive terms as a judge of the Supreme Court.

It is not strange that one who was born to the heritage of such a name should have sought to add, as indeed he has added, to its luster in a succeeding generation.

It was while Charles F. Brown was district attorney of Orange County that John W. Lyon became an official of the county through his appointment to the office of assistant district attorney. The career of the Lyons, father and son, now covers a practice of sixty-one years in Port Jervis, the longest period of continuous practice at the bar carried over from father to son, in Orange County.

Thomas J. Lyon, or, as his friends affectionately preferred to call him, Tom Lyon, was a man of great native talent and marked originality. Beginning life as a Methodist preacher, but coming to prefer the more extended opportunities for usefulness afforded by the law, his fame in the fifties soon spread from the Delaware to the Hudson. Throwing himself with ardor into the exciting political contests which marked this period, he was in constant demand as a campaign speaker and his political services were recognized by a lucrative appointment under the administration of President Franklin Pierce. Twice elected to the As-

sembly and once a candidate of his party for the Senate, his abilities always received the cordial recognition of the public with whom he kept constantly on good terms. The announcement that he was to speak at a political gathering was always sure to attract a large attendance of adherents of the opposite party for they knew they would be entertained by his sallies though they might not be seduced by his arguments.

His control over juries was due to a mingling of magnetism and humor. He could touch the chord of sentiment and the response was immediate. He could cover his opponent with ridicule and the result was contagious and convulsive laughter. No weapon is more powerful at any time than gentle banter and no one knew better how to employ its arts to the discomfiture of an adversary than Thomas J. Lyon.

His son, John W., inherits his ability and much of his originality. He, too, has always taken a deep interest in politics and he has been heard on the platform in every campaign since 1872.

He was the pioneer of the bar in that branch of the practice which has since assumed such proportions, railway litigation. He was the first to carry to the Court of Appeals many important questions, relating to the liability of the master for injury to the employee, which were settled by that court in favor of the positions contended for by him.

A most interesting feature in the genealogy of the profession is the fact that the daughter of John W. Lyon, Frances D. Lyon, is also a lawyer duly admitted to practice, having supplemented her studies in her father's office by a course at the Cornell Law School from which she graduated with honor, subsequently passing her examinations before the State Board. She is now engaged in practice with her father, to whom her aid is invaluable in the office, while she has also shown marked ability in her appearances at court.

Thus we have in the Lyons the only family in Orange County, except the Gott family, in which there have been three successive generations of lawyers bearing the same name.

Eugene A. Brewster and George R. Brewster cover a period of sixty years' continuous practice, the elder Brewster having been admitted in 1848. The judgment of his associates, placing Eugene A. Brewster in the front rank of the lawyers of his time, has already been expressed. Upon his death his son, George R., succeeded to his practice in the same office to which for so many years the friends of his father were accus-

tomed to bend their steps and where they never received any but the most wise and judicious counsel. George R. Brewster inherits the sound judgment and conservative instincts of his father and well maintains the dignity and responsibilities of his honorable name and lineage. His public spirit and devotion to every worthy cause are among the most conspicuous of his traits of character. Possessed of ample means and under no spur of necessity he gives freely to the public all the time he can spare from a practice which has been attended with great success, one of the most notable of his recent legal victories having been gained in restraining the building of a railroad across his client's property.

His sense of civic duty has been strikingly exemplified in the conscientious performance of his duties as supervisor, though his acceptance of the office involved great inconvenience and sacrifice. His labors in behalf of St. Luke's Hospital have been of inestimable value to that noble benefaction.

In a community as conservative as Newburgh, where one minister is still acceptably serving his congregation for the fifty-second year and another for the thirty-fifth, it counts for something, and very properly so, that a man should be the son and successor of an honored, respected father. When Mr. Brewster died his son was made a director of the Newburgh Bank in his father's place and when Abram S. Cassedy died the same course was taken in the Quassaick Bank in respect to his son, William F. Cassedy.

The Cassedys, father and son, cover a period of fifty-one years' continuous practice, the elder Cassedy having been admitted in 1857. The high place gained by him in the esteem of the bar and in the confidence of the public has already been set forth at length. This confidence has been transferred to his son, William F. Cassedy, to a degree almost unprecedented in the career of a young practitioner but in every sense justified by his high character and brilliant talents. Mr. Cassedy has during the last few years managed and represented estates of as great magnitude as the estates represented by all the other lawyers of Orange County combined. He has a special talent for this important branch of the practice, but, like his father, can drop his papers and go to court with his case well prepared for trial. The ability with which he uniformly presents it to a jury is well reënforced by the same winning manner and pleasing personality which has endeared him to so many friends.

When Judge Charles F. Brown was in 1883 elevated to the bench of the Supreme Court, the firm of Cassedy & Brown, of which Abram S. Cassedy was then the senior member, was, of course, dissolved. When Judge Brown retired from the bench in 1897, Mr. Cassedy having meantime died, the names became transposed, the firm of Brown & Cassedy then formed, and still continuing, being composed of Judge Brown and William F. Cassedy. That this association of his name with that of his old partner's son should be pleasing to Judge Brown is a distinguished mark of that great jurist's confidence, esteem and affection which indeed, are shared by all, bar and public alike, who come to know the pure and lofty character of William F. Cassedy.

William B. Royce who with his son, Herbert B. Royce, is engaged in practice in Middletown, was admitted forty years ago, but being persuaded, while in the full tide of active practice, to accept the position of president of the First National Bank in 1875, his career as a lawyer was interrupted for seventeen years. Resigning this position, however, at the end of this period, he soon recovered his scattered practice and upon the admission to the bar of his son the firm of William B. and Herbert B. Royce was formed. This continued until the autumn of 1906 when, John C. R. Taylor, having been elected to the Senate, the firm of Taylor, Royce & Royce was formed.

Mr. Royce has greater capacity for public business than any lawyer who ever practiced at the bar in Orange County. His mind grasps readily, his tastes run naturally to, every phase and variety of town, county and municipal relations, improvements and enterprises, with all the important questions involved in them in respect to the proper distribution of public burdens. He is an authority upon corporation law in respect both to the organization and management of corporations. His power of clear statement, in respect to any involved or intricate situation, is very great.

There is one characteristic of Mr. Royce which is fully appreciated only by those who have been in a position to see its frequent effective exercise. He loves to settle disputes among neighbors and litigants. He has genuine talent for making each party see how it would benefit him to make some concession and even greater tact in pointing out how certain concessions necessary to the settlement will still leave the pride and dignity of the parties uncompromised. He absolutely has never

failed in bringing about an agreement which he started out to compass. Sometimes, indeed, the perverseness of the parties has seemed to make the difficulties insuperable, but this has only spurred him on to renewed exertions. Those who know how unprofitable and unwise for both parties is any litigation which can possibly be avoided and, especially, any litigation representing only an honest difference of opinion, will realize the indebtedness of the public to Mr. Royce for those unselfish exertions and that salutary influence which, throughout his entire professional career, have been steadily, consistently and successfully directed to the promotion of peace and the soothing of angry controversy.

His son, Herbert B. Royce, who enjoyed the advantages of both the classical and law course at Cornell University, was launched from the first into the activities of a busy office. Having been elected special county judge he has enjoyed an opportunity, in presiding over the trial terms of the County Court, to impress his abilities upon the bar and the public to a degree and in a manner never before enjoyed by a special county judge in the entire history of the county. Before Judge Beattie's time the county judges were never very considerate to the special county judges. They regarded them as officers provided merely for the convenience of the bar in signing orders and they affected to think that there might be some serious question of jurisdiction involved in their trying and sentencing criminals. Even Judge Hirschberg and Judge Beattie were never invited, as special county judges, to hold a term of court, but the judges, when they could not act themselves, always brought in a county judge of a neighboring county. Judge Beattie acted more generously to his official coadjutor and when it became necessary for him to surrender two terms of court, Judge Royce was requested to hold them. This service was performed by him with such marked ability, and so greatly to the satisfaction of the entire bar and public, that Judge Seeger, who succeeded Judge Beattie in 1907, and who was disqualified from sitting in any cases in which he, as district attorney, had procured the indictments, again summoned Judge Royce to the bench, when again, he was enabled to give a public demonstration of his judicial fitness and capacity and to prove that it will never be necessary to call in a judge from a neighboring county as long as Judge Royce remains special county judge.

Finn & Finn is the name of the firm of which Daniel Finn was the

senior member until it was ruthlessly dissolved by the untimely hand of death, which overtook him without warning in the very midst of an unusually active and prosperous career. Admitted to the bar in 1870 he began and, for thirty-five years continued his practice in Middletown, becoming one of the most respected and influential of its citizens as well as one of the ablest and most trusted of its bar. He was especially versed in the law of wills. Nothing appealed more strongly to his interest than the ambiguous provisions of a will and the difficult questions raised as to their proper construction. His opinions upon these were often submitted to the court with the result that his judgment was invariably sustained.

He was the most imperturbable of men. Nothing agitated or even ruffled him. He could lay down his pen to engage in an interview with some irascible client and, after it was over, calmly resume work upon his thoughtful brief at the very point at which it had been interrupted. This faculty, the result of training as well as of temperament, enabled him to accomplish a great deal of work. The day was never spoiled for him by some untoward incident, unpleasant letter or peevish client. Each day marked distinct progress in some appointed task.

Mr. Finn, who drew the will of Mrs. Thrall, was deeply interested in the noble institutions founded by her—the hospital and the library in addition to the park—and it was largely through his influence that her thoughts were directed to these beneficent objects. It was also through his careful prevision that her testamentary wishes in respect to an additional endowment for the hospital were not defeated by statutory precautions. Mr. Finn foresaw that she might die within the two months set apart, arbitrarily and without respect to testamentary capacity, by the inscrutable wisdom of the legislature as the fluctuating hiatus, that may or may not turn out to be the vitiated period, within which testamentary benevolence must be suspended; within which all tardy attempts of the passing soul to make its peace with God or restitution to mankind must be overruled and nullified in favor of worthless or distant relatives; but still within the last day of which the cunning physician seeking to cheat death of its prey and rapacity of its spoils, might so galvanize into convulsive life the dissolving frame, might so fan into flickering flame the vital spark that, in the race between greedy kindred and melting charity, rapacity will lose by a single hour. In the case of

Mrs. Thrall there was no such dramatic suspense. She died twenty days after the execution of her will; so that the bequests in her will and codicil of twenty thousand dollars to Thrall Hospital, already founded by her, were declared void. But Mr. Finn also advised her to give to her executors, Isaac R. Clements and Nathan M. Hallock, individually, absolutely and outright all legacies which might for any reason be declared void or ineffectual, and this provision was incorporated in her codicil. After this provision had withstood in the courts the attacks of relatives who claimed that it represented a secret trust, equally as abhorrent to legislative solicitude for relatives as a direct charitable bequest, Mr. Clements and Mr. Hallock, in honorable recognition of Mrs. Thrall's wishes, as expressed in her defeated bequests, but under no legal compulsion so to do, turned over to Thrall Hospital the twenty thousand dollars which came to them absolutely under this alternative provision. Thus were Mr. Finn's wisdom and foresight, not only in respect to his client's provision for the hospital but in respect to her bequest to the city of Middletown for its library, amply justified by the event. The bequest of \$30,000, for the library was sustained by the courts. These noble foundations—the library and the hospital—constitute an enduring monument to the generosity of S. Maretta Thrall but are no less a monument to the learning, skill and prescience of Daniel Finn. The people of Middletown, though they have always recognized his virtues and his abilities, but imperfectly understand the full measure and extent of their indebtedness to his guiding hand and public spirit. It is simple justice to his memory that the incidents of his professional career bearing upon the public welfare should be embraced in any work professing to be history.

Mr. Finn's intense affection for and loyalty to his *alma mater*, Hamilton College, was a very pronounced and interesting trait of his character. His only son, Frank H. Finn, also graduated from this classic institution of learning which numbers among its *alumni* that most intellectual of all living American statesmen, Elihu Root.

Frank H. Finn, upon being admitted to practice, entered into partnership with his father under the firm name of Finn & Finn—the name under which, notwithstanding his father's death, he and his present partner, Arthur H. Payne, himself also a graduate of Hamilton College, conduct their business. Every writ and process issued by the present firm runs in

the name of Finn & Finn, thus perpetuating the potent influence, the fine example and the gentle memory of one of the purest and ablest of Orange County lawyers. It is unusual among lawyers to preserve the name, in a firm, of a deceased partner. The only instance I recall is that of James C. Carter, whose surviving partner, Lewis Cass Ledyard, has always, with a tenderness and delicacy of sentiment so in consonance with his own noble nature and chivalric character, kept Mr. Carter's name at the head of his firm, through all ensuing changes. The filial reverence shown by Frank H. Finn for his father's memory, his unwillingness to let his father's name disappear at once beneath the cold waters of swift forgetfulness, illuminates his own strong and sterling character. Called upon suddenly to assume charge of many intricate and involved cases pending in the office at the time of his father's death he accepted and discharged the painful responsibility with a dignity, firmness, manliness, courage and ability which commanded the admiration and won the affection of the community. Though he owes much indeed to his noble father, he has given abundant evidence of his capacity to stand alone. He and his brilliant partner, Mr. Payne, will bring no reproach upon the honored name still in their pious keeping.

Henry W. Wiggins came to the bar two years later than Daniel Finn. The business established by him in Middletown in 1872 is now carried on by the firm of Henry W. & Russell Wiggins, father and son.

Henry W. Wiggins is especially distinguished for his knowledge of the law of real estate, but his practice has always covered a wide range. I well remember an important litigation between mill owners in which Mr. Wiggins established the right of the upper owner to substitute a turbine for an overshot wheel and to take water at a lower depth, provided he did not use a greater quantity of water than before. His success was the more notable and gratifying because he was opposed by both Mr. Brewster and Mr. Winfield. But it has been in litigations involving the liability of the city of Middletown for damages that Mr. Wiggins has won many of his most conspicuous triumphs. He was, at intervals, its corporation counsel for many years, his son Russell now holding the position. It is safe to say that no city was ever more ably served and carefully protected than the city of Middletown was by Mr. Wiggins. No expensive condemnation proceeding in his charge ever proved ineffective because of some flaw or oversight. No suit for damages defended by him ever ter-

minated in an extreme or excessive verdict. His caution, vigilance and conscientiousness combined with his sturdy independence in always standing his ground, in always adhering inflexibly to any position once, after due consideration, taken by him, have been of incalculable service to his clientage and have resulted in saving to the city of Middletown alone many thousands of dollars.

Russell Wiggins also has enjoyed marked success in defending the interests of the city. His recent victory in a case involving the validity of the provision in the charter of the city of Middletown making notice to the common council of snow or ice upon a sidewalk prerequisite to an action for injuries sustained in consequence of it, has attracted wide attention. Mr. Wiggins was overruled by the special term and by the appellate division which held that this provision exceeded the powers of the legislature and was, therefore, unconstitutional. But Mr. Wiggins succeeded in convincing the Court of Appeals, which, in an opinion embodying the arguments advanced by him, sustained the validity of this provision of the charter, with the result that all actions of this class are practically done away with. It is not surprising that all the cities of the State have been so impressed with the importance of Mr. Wiggins' victory that they are now trying to secure a similar provision in their own charters. It seems, indeed, somewhat hard that a total stranger, alighting from a train on a dark night, should be compelled to proceed at his peril along a city street, under conditions which physically exclude his either having or giving notice, but Mr. Wiggins ingeniously persuaded the Court of Appeals to say that this is a question for the legislature and not for the courts, thus establishing a new precedent, if not a new principle, in constitutional construction, in a case sure to become a leading one; sure to be cited for many years to come, in the courts of the entire country. In thus linking his name at the very outset of his career, to a leading authority, Mr. Wiggins has set for himself a hard task. He must now live up to his own reputation—which there is abundant reason to believe he is entirely able to do.

Cornelius E. Cuddeback, admitted to the bar in 1873, immediately established in Port Jervis the business now carried on under the firm name of C. E. & S. M. Cuddeback, his son Samuel M. having become associated with him.

Mr. Cuddeback early became prominent in all the interests of the

community, social, business, legal and public—a position which he maintains by virtue of his unquestioned integrity, great ability and enormous industry. He was largely instrumental in straightening out the affairs of the Port Jervis & Monticello Railroad Company, and he has for many years been the attorney for the town of Deer Park and the village (now the city) of Port Jervis. He has also been the attorney for many public service corporations. His defense of the Barrett Bridge Company in a test case tried at Goshen in June, 1905, to determine the liability of the company for the deaths occasioned by the sweeping away of the bridge over the Delaware River in a freshet, furnishes a fine example of his characteristics as a lawyer. The defense was prepared with a thoroughness, exhaustiveness and comprehensiveness and conducted with a verve, vigor and vivacity which carried everything before it, sweeping away the case of the plaintiff as ruthlessly as the freshet swept away the bridge; leaving little for the jury to do but to register the fact that the defence had been completely successful.

Mr. Cuddeback finds in his son a lawyer well qualified to assume the burdens of his practice when he shall be prepared to lay them down.

All the living lawyers thus far considered, except the sons and daughters, will very soon be passing from the scene. The pages that bear this imprint will scarcely be flung from the press before the lawyers whose now familiar names they carry forward to a generation that knows them not, will drop away, one by one, from their accustomed places. So true is this, so strong is the author's sense that only, by slight anticipation, do these pages commemorate the departed, that nothing has been set down here which could not be truthfully and becomingly said if they had gone before who yet, for a little, linger. This, indeed, suggests the chief reason why the present record, to be of any value, should include the living; for long before this publication is superseded by a rival or a successor the figures it portrays will have passed from action to remembrance.

In connection with this thought it is proper to point out that the sketches and estimates now published bear this further resemblance to veracious and posthumous biography—they have not been edited by the subjects. The system adopted in some modern compilations of permitting prominent men to write their own biographies, or of procuring from them the *data* for less sympathetic treatment, has not been followed

here. Indeed, with a single accidental and insignificant exception, not one lawyer has any knowledge of the scope or purpose of this undertaking or has furnished any information available for use in it. He who carelessly takes up this volume to read about others will be covered with modest confusion to find himself included in it. This is an attempt not to let a man speak for himself, but to collect and crystallize in definite forms of expression the floating particles of contemporary judgment upon his character. It is for this reason, besides others, that so few specific dates and irrelevant facts are given. They have not been asked for. They are not needed. They do not fit with the scheme of this work, which aims, perhaps presumptuously, but still consistently, to be a gallery of portraits, not a table of statistics. Of what possible interest is it to know the number of a lawyer's children, or the building in which his office is located? Character and achievement are the things that count.

It will be convenient at this point to return to the consideration of the leading advocates now at the bar of the county. No one recognizes more than advocates themselves their frequent indebtedness to the great lawyers who, undisturbed by absorbing, distracting and exhausting trials, apply to life's complex and varying conditions the immutable principles of the common law. It implies no disparagement of Winfield and Gedney to assume that the one often leaned upon the judgment of his partner, William F. Sharpe, and that the other often sought the wise counsel of his esteemed relative, Joseph W. Gott. At the same time it cannot be doubted that public interest has always centered upon the trial lawyer, for the obvious reason that the open field, the public challenge, the combat of intellectual athletes, the palm of victory appeal strongly to the imagination and dramatic sense. There need, therefore, be no apology for making prominent in a popular work those who engage the larger share of merely popular interest.

There is no man at the bar of Orange County, or indeed anywhere, for whom the term colorless would be so inept as it would be for Judge Albert H. F. Seeger. He radiates color. He is the incarnation of sunshine. He is the forerunner of gladness, sounding a proclamation of hope and good cheer wherever he goes. No one would suppose that he ever had a care or sorrow. Yet he must have had his share. He performs more perfectly than any man I ever knew that mission which Robert Louis Stevenson glorifies when he says:

"There is no duty we so much underrate as the duty of being happy. A happy man or woman is a better thing to find than a five-pound note. He or she is a radiating focus of good will; and their entrance into a room is as though another candle had been lighted. We need not care whether they could prove the forty-seventh proposition; they do a better thing than that, they practically demonstrate the great theorem of the liveableness of life."

But Judge Seeger can also prove the forty-seventh proposition. He can usually prove anything he sets out to prove, as lawyers opposed to him have often found to their dismay. And even when the law and the facts are all against him and you have him thoroughly beaten, according to all the rules of the game, there will still be three to six jurors who strangely refuse to believe that anything but infallible argument could emanate from a personality so radiant. Not that his propositions always need the support of his personality, upon which, indeed, he never consciously presumes. He always builds up a strong, solid, telling, convincing argument, delivered with unaffected earnestness and artless sincerity.

And his sincerity really is artless. While he is personally the most popular man in Orange County and while such pre-eminence can only be attained by the use of popular arts, yet in his case they are entirely legitimate and unstudied. He really does feel kindness when he seems to. He really is interested in the things which interest others. He really does love their babies, their dogs, their horses—anything, in fact, but their automobiles. His bubbling spirits and effervescent mirth, his ready wit and sparkling sally, the ring of his laughter and the spell of his bonhomie are all the genuine expression of a rich, ardent and impressionable nature.

It might be thought that such a man would be a time-server. Far from it. There is not a trace of the demagogue in his composition. Much as he would naturally desire to retain his remarkable popularity he would fling it all away, if necessary, in the performance of his duty or in the defense of law and order. He showed this unmistakably when as district attorney he boldly held at bay the lawless mob, at a personal risk which his official duties did not call upon him to incur. Knowing then that he would soon be a candidate for a higher office he cared not whether he made friends or enemies, whether he lost votes or gained them; he

simply saw his duty and went straight for it. As it was, the very forces he antagonized respected him. When this genial friend, this blithe companion became transformed into the stern, unyielding, inexorable officer of the law the very mob he awed retired to worship him, and when the time came it voted for him.

This mingling in Judge Seeger's character of the sterner and softer elements, of courage and tenderness, manliness and simplicity, firmness and forgiveness, has inspired in the people of Orange County a respect and affection such as rarely attends upon a public man. His election to the office of county judge was inevitable whether the "organization" had been friendly or not. If it constitutes high qualifications for this responsible position to possess a character noble and sincere, a disposition just and fair, a judgment sound and true, a mind well trained and informed, a knowledge of the law wide and various, a knowledge of human nature keen and close, a sense of public duty deep and earnest, then is the county of Orange indeed fortunate that a judge as respected as John J. Beattie should be followed by a successor so worthy as Albert H. F. Seeger.

From painting to stenography; from stenography to the law; from the law to the recovery of a judgment for eight hundred thousand dollars in 1906—that is the condensed history of Thomas Watts. As the painting was, not of pictures but, of houses, it will readily be seen that he is the most consummate embodiment of that familiar phrase, the self-made man, that the Orange County bar possesses. After working all day painting, often walking back several miles to his home, he spent his evenings studying stenography. After acquiring this art and while pursuing its practice as a court stenographer he studied law assiduously, following carefully also the course of every case that came under his notice in court and drawing out the able judges and lawyers whom he met in conversation that was not less instructive than edifying.

Born in England, about the same time that Judge Seeger was born in Germany, and brought to this country at an early age by his parents, as Judge Seeger was also, the career of both men is a striking illustration of what may be accomplished in this land of opportunity, without the social influence of generations of local ancestry, by sheer pluck, perseverance, energy and ability.

Mr. Watts is a very nucleus of abounding and superabounding energy.

He generates energy by a process of spontaneous mental combustion. His mental activity is more continuous and intense than any I have ever known. His mind never goes fallow, but seems to be constantly fructified by the floating pollen in the business, legal or intellectual atmosphere surrounding him. It is of course inevitable that, with such a temperament, he should repeatedly cross the path of people who would like to have him keep out of their way. But Mr. Watts is so constituted that where other people are there would he be also; and he is always willing to keep out of their way by letting them step aside.

Yet, despite all his initiative, aggressiveness and combativeness with respect to those who can meet him upon equal terms, he is tenderness and generosity itself to the weak, the helpless and the dependent. He has been known to pour out his bounty for years upon those who appealed to his sympathy or invoked his aid. He has, in a marked degree, the English love of fair play and is as ready to acknowledge a mistake as he is to resent an injury. Often brusque and impulsive in his manner when no offence is intended, and quick to regret when it is, he is always surprised to find that others are not so ready to forget as he is to forgive.

The fighting qualities of Mr. Watts are never shown to better advantage than when he is asserting the rights of the poor and weak against all the resources of corporate or individual wealth. He never tires. His tenacity cannot be shaken. No reversal of the first judgment dismays him. He enters upon the second or third trial with as much vigor and vim as upon the first. In one case he more than doubled upon the second trial the verdict obtained upon the first trial. Indeed he has led in the securing of large verdicts, having obtained the largest verdict in a death case ever rendered in the county and the largest verdict, with one exception, ever rendered for personal injuries.

The judgment for eight hundred thousand dollars to which reference has been made was obtained by Mr. Watts in an action brought by him for a contractor against a railroad company for extra work in the building of a branch, disputed by the company. Mr. Watts examined and cross-examined all the witnesses and, with the aid of his office force, prepared the final argument. He was opposed by the finest legal talent in the State and the case was tried before that learned, eminent and profoundly respected judge, the Honorable Alton B. Parker, sitting as referee. The case involved many intricate questions of which Mr. Watts exhibited entire

mastery. His management of this case marks the zenith of his ability and reputation as a trial lawyer. A lawyer who, before such a tribunal, wins such a case, involving such large interests and attended with results of such magnitude, for the judgment was not only obtained but settled, has established his place, beyond all question, in the very front rank of the trial lawyers of the State.

Mr. Watts excels in cross-examination. In a case brought by him for injuries resulting from the explosion of a locomotive boiler, the judge hesitated at the close of his case about letting it proceed, but finally ruled that the railroad company should go on with its proof, reserving the questions that troubled him. Mr. Watts thereupon took the defendant's witnesses in hand and on cross-examination he so completely established the liability of the company out of the mouths of its own witnesses that all thought, not merely of nonsuit, but of defense even was abandoned and the company was thrown into a panic. It made an offer in the recess and when the court convened again to resume the case it was announced as settled.

Mr. Watts' addresses to the jury are marked by pith, point and piquancy. He emphasizes the salient features of the case and lets all minor or subordinate issues take care of themselves. His sturdy defense of his client's rights, his strong individuality and his intellectual force combine to make him a formidable opponent.

Perhaps no lawyer at the bar of Orange County ever received a more emphatic, pronounced, unmistakable tribute of personal regard than John C. R. Taylor, of Middletown, received at the election of 1906, when, in a district opposed to him politically, he ran over four thousand ahead of his ticket and was elected Senator by a majority of over twelve hundred. The good opinion of him thus expressed by his fellow citizens has been confirmed by his broad, patriotic, statesmanlike course at Albany, which has attracted the attention and commended him to the approbation, of the entire State, without respect to party lines. The purity of his character, the singleness of his motives, the soundness of his judgment and the independence of his action carried him in a single session to a position of weight and influence usually acquired only after several terms of legislative service. Senator Taylor is one of those public servants who believe that the State is a great business corporation of which the Governor is president and each Senator a trustee. Under this

conviction he refuses to consider either party advantage or private interests but seeks to ascertain solely what is best for the welfare of the people and the cause of good government. Whether he can repeat his phenomenal success at the polls under less favorable conditions is of course uncertain. But whether he does or not he has set an example of clean, straightforward, high-minded methods in politics and legislation which will long be remembered in his district. He has set a standard of political morals which will have to be satisfied by any successor who hopes to retain the mandate of a now aroused, vigilant, exacting and independent public conscience.

Senator Taylor's success at the bar was almost as immediate as his later success in the Senate. Early in his practice he went to Kingston to try a case against one of the leaders of the famous Ulster County bar and obtained a verdict of \$10,000 in an action against the town of Shawangunk for damages resulting from a defective bridge, a verdict which was subsequently paid after passing the ordeal of all the courts. Judge Clearwater who presided over the trial and whose qualifications as a critic will be conceded, since he has himself made both the bar and bench illustrious, told me that he had never seen a case more ably tried and presented than this case was by Mr. Taylor.

Senator Taylor has the courage of the true lawyer. When a few years ago he was engaged to defend a client accused of a shocking offense, people went to him and said, "Why, you will be ruined if you defend that man." He simply replied, "He is my client and I shall stand by him to the end." Senator Taylor not only was not "ruined" but he completely reversed public sentiment which had been misled from the start, and established his client's entire innocence of the charge against him in a crushing cross-examination of the first witness which demonstrated its complete falsity.

Senator Taylor's professional ideals are as high as his political ideals. He is an honorable foe, a straight lawyer, a cultured gentleman.

Michael N. Kane, of Warwick, the most beautiful village in the county, if not in the State, also received at the election of 1906 a vote for the office of supreme court judge which strikingly attested the admiration and regard in which he is held by his fellow citizens in the county and district. He ran several thousand ahead of his ticket but this was not sufficient to overcome the adverse majority caused by the creation of the new ninth

judicial district out of the river counties. Mr. Kane has securely established his reputation as a trial lawyer of conspicuous ability and success. He is frequently employed as counsel in important cases and has never failed to satisfy the expectations of both attorney and client. His preparation of cases for trial is complete and masterly.

In the appellate courts his arguments are marked by a learning, lucidity and power which always command attention and usually assent.

The breadth of character and fineness of moral fibre which have contributed so largely to his professional success are displayed in all his relations to his professional brethren, in which he is the pattern and exemplar of uniform courtesy, consideration and indulgence. While never imperiling the interests of a client to accommodate a professional brother he is always able to find a way to accommodate him without injuring his client. He never takes refuge in the transparent pretext that his client will not consent, which is the customary formula used to cover, though it does not conceal, professional churlishness. In the very cases in which Mr. Kane has been most generous to his opponents he has had the most complete ultimate success; thus furnishing to his brethren of the bar an object lesson from which they may learn that courtesy to each other is entirely consistent with perfect loyalty to their client.

Mr. Kane's public spirit has always been a noticeable phase of his character. His pride in and devotion to the interests of Warwick have endeared him to his community which not only respects him as a lawyer but esteems him as a neighbor and honors him as a citizen.

Ferdinand V. Sanford is another citizen of Warwick whose abilities entitle him to rank among the trial lawyers of the county. Fluent in speech, cultivated in manner and refined in character, his personal charm imparts weight to his opinion and impulsion to his utterances. He, too, is deeply interested in his beautiful village, the citizens of which have bestowed upon him many marks of their favor and confidence. His prominence in its affairs led to a most interesting experience in the summer of 1906 when he represented his village at the brilliant and imposing pageant held by old Warwick in England at which he upheld the reputation abroad of American oratory in a most graceful, felicitous and eloquent address.

Darwin W. Esmond, of Newburgh, prepares his cases for trial more thoroughly than any lawyer I ever knew. His trial brief is comprehensive, elaborate and minute, even containing instructions in reference to

the cross-examination of the witnesses expected to be called by his opponent. Every case likely to be cited by his opponent is discussed and distinguished. Every pitfall into which his opponent might seek to draw him is pointed out and provided against. If he should die the day before a case is set down for trial and it should be thought best, notwithstanding, to go on with the trial, any experienced trial lawyer could, on a moment's notice, take his brief and try the case without consulting an authority, seeing a witness, or even talking with the client. He would find his opening to the jury outlined for him, the statements of the witnesses arranged in the order in which they should be adduced, the authorities bearing upon a motion for nonsuit carefully analyzed and, finally, the points to be dwelt upon in the submission to the jury clearly emphasized.

It is needless to say that such painstaking industry implies the most conscientious devotion on the part of Mr. Esmond to his client's cause—a devotion as earnest and intense when the amount involved is small as when it is large. His theory is that a small case is just as important to a poor man as a large case is to a rich one and that the measure of duty, of fidelity and devotion should be the same in each.

But mere industry is of little avail in the law unless directed by ability. It is a valuable supplement to ability, never a substitute for it. Mr. Esmond has all the qualifications of an able trial lawyer. I once saw him in Kingston pitted against one of the leaders of the Ulster County bar overturn by the sheer force of his ability and address, all the prejudices first formed against his client, the defendant, in the mind of both court and jury, in a case in which the plaintiff, an old man, was seeking the restoration of property turned over by him to his son. I heard Judge Chester say that in the beginning of the trial he thought the plaintiff was right but that as the case proceeded his mind changed. This result was due solely to the splendid defense made by Mr. Esmond in a case which from the start was full of elements of danger and defeat.

Mr. Esmond has always taken a prominent part in the literary life of the community and in the discussion of public topics. His services to the Chautauqua society have been most valuable, while his own addresses upon a large variety of topics have been a distinct contribution to the literature of the subject.

It is fortunate indeed for Mr. Esmond at this time that he has all these resources to fall back upon; else might he have been wholly crushed by

the cruel sorrow that came to him and his devoted wife in the recent loss of their only child, Paul Warner Esmond, one of the most precocious, promising and brilliant boys who ever lived. His poems, dealing with the problems of life and death, are as mature, reflective and suggestive as though written by a man of fifty. That such a child of genius should be snatched away when the angel of death leaves untouched so many circles from which one could be better spared, is a mystery that has never ceased to perplex mankind.

Howard Thornton, of Newburgh, *bel-esprit*, bon-vivant and raconteur, the favorite of society and the delight of dinner tables, is not one whit less a good lawyer because he can smooth away the difficulties of a hostess in entertaining her guests as easily as he can glide over the difficulties of his client's case in court. The best lawyers have always shone in society, from Hamilton to Choate, and Mr. Thornton's social gifts have never interfered with his devotion to his profession. Every morning, year in and year out, the early riser can see Mr. Thornton at seven o'clock wending his way to his office where by ten o'clock he has already accomplished a day's work and is ready to talk with his clients.

Mr. Thornton has always found his chief pleasure in some abstruse question arising out of the law of wills or of real estate. He has been drawn into some very important litigations involving the construction of the transfer tax law and his contentions have been uniformly sustained by the Court of Appeals.

Mr. Thornton's service in the Assembly, of which he was for three years a member, showed his capacity for public affairs. He was chairman of the judiciary committee and took high rank in legislation and politics. But his tastes incline him to the more arduous and less devious duties of his profession in which he has gained the reputation of an honorable, talented and brilliant lawyer.

Russell Headley, of Newburgh, is the son of the eminent historian Joel T. Headley from whom, doubtless, he inherits those literary gifts which account in part for the direction of his energies into the field of legal authorship. But this is not the only reason. It is but justice to him that it should be known that Mr. Headley was interrupted in the very midst of a brilliant career at the bar by the coming on of that most disqualifying of all infirmities for an advocate—deafness. This naturally had the effect of turning Mr. Headley to the labors of authorship for which his inherited

tastes and acquired accomplishments so well fitted him. His works upon assignments, witnesses and criminal justice are well known to and widely read by the profession.

Mr. Headley filled the position of district attorney of Orange County for two terms. He especially distinguished himself at this time by his abilities as a trial lawyer.

Mr. Headley accepted in 1902 and still holds a position in the legal division of the State Excise Department at Albany. His research, his faculty for writing sound, able, exhaustive opinions and his knowledge of the law of pleadings make him a most valuable member of the legal staff of that very important branch of the public service, in which questions are constantly arising which could scarcely be expected to come within the purview of an arm of the service devoted to the enforcement of a single law. In this work Mr. Headley is able to reconcile himself to the surrender of those more spectacular triumphs of the court room in which his activities and his ambition once found a more congenial field.

Cornelius L. Waring, of Newburgh, is an authority in the law of municipal corporations. He was for many years the attorney for the city, the interests of which he always most zealously and successfully protected. He has a large general practice including among his clients some wealthy business corporations.

Mr. Waring has had wide experience in the trial of cases. His manner in court is marked by dignity, determination and persistency. He never yields a point on his own side and he never fails to seize upon the weak point in the case of his adversary. His arguments are terse, direct and forceful, always commanding ready and respectful attention.

Elmer E. Roosa, of the Newburgh bar, who was associated with Judge Hirschberg at the time he ascended the bench, succeeded in large part to the prestige of an office which had been established for nearly thirty years. The confidence always reposed in him by Judge Hirschberg is shared by a large body of devoted clients who find in him a safe, discreet and honorable counselor.

Edward J. Collins, of Newburgh, who is associated in practice with Judge Seeger, possesses in a high degree that dignity of bearing and of character which well supports professional attainments of a superior order. He has been honored by his fellow citizens by repeated marks of their confidence. He was for some years president of the common

council of the city of Newburgh, a position which brought into prominence his fine qualities of mind and character.

Henry R. Lydecker, of Newburgh, has the most amiable disposition of any lawyer at the bar. If he were more self-assertive his abilities would be more widely appreciated. He showed marked ability in his service four successive winters in the attorney general's office at Albany in the work of reviewing for constitutional and other objections, the bills sent by the Legislature to the Governor. This appointment was made each year and would not have been repeatedly conferred unless the discharge of his important duties had proved to be able and satisfactory.

Mr. Lydecker has recently received, at the instance of Presiding Justice Hirschberg, an appointment upon the clerical force of the Appellate Division—another evidence of the high opinion entertained of him by governors, attorneys general and judges alike.

J. Renwick Thompson, Jr., of Newburgh, is still permitted to write "junior" to a noble and conspicuous senior, who now for more than fifty years has ministered over one of the most important churches and congregations in Newburgh. Mr. Thompson's character and standing wholly contradict the adage about "ministers' sons." In his keeping all the traditions of an honorable lineage are safe, while a large and increasing clientage can testify that in his hands are equally safe all the interests committed to him.

Elwood C. Smith, who has an office in Turner as well as in Newburgh, has advanced rapidly in reputation and standing. His agreeable manners and attractive personality always create a favorable impression sure to be confirmed by future acquaintance with his character and abilities. He enjoys the respect of the community and the confidence of a very considerable clientage.

N. Deyo Belknap, of Newburgh, has shown great talent in all his appearances in court and is a rising aspirant for professional honors. In an action brought by him for the construction of a will he exhibited all the qualities of a mature and experienced practitioner. His success at the bar has been immediate and pronounced.

R. H. Barnett, of Newburgh, has made a specialty of negligence actions. Like his great exemplar, John M. Gardner, he never concedes that he is beaten. He always renews the argument to the court, after being nonsuited, so undauntedly that the court often reverses itself and

lets the case go to the jury, before which Mr. Barnett meets with unvarying success. A jury always admires pluck and pertinacity and these qualities Mr. Barnett possesses in a marked degree.

Graham Witschief, of Newburgh, would attract attention in any assembly for the intellectual cast of his features, which clearly betoken unusual talent. This impression is at once confirmed when he addresses the court. He so excels in the power of lucid statement that by the time he has informed the court of the nature of the controversy he has already produced the effect of an argument. This faculty of seizing upon the crucial, controlling points of the case, of applying the philosophical rather than the historical method, is one of the rarest among lawyers, who usually narrate the facts in the order in which they occurred, leaving the court to pick out the essential, determining elements from a mass of more or less related matter. This gift Mr. Witschief possesses to a degree so unusual that it constitutes a large factor in the success which he has so rapidly attained. He is a rising advocate, taking his place easily among the leaders of the Orange County bar.

Benjamin McClung, of Newburgh, obtained, early in his practice, a foremost position at the bar of the county. One of his first and most notable victories, which attracted wide attention at the time, was won in a proceeding instituted by him in 1892 to require the registry board of the town of Highlands to strike from the register the names of over a hundred soldiers quartered at West Point, who claimed the right to vote in the village of Highland Falls, adjoining the Government reservation. Mr. McClung took the position that the West Point reservation is not a part of the territory of the State of New York; that upon the cession of the territory by the State the general government became invested with exclusive jurisdiction over it and that persons resident within it are not entitled to vote. Mr. McClung, notwithstanding the limited time at his disposal, upon the very eve of an exciting election, made a most exhaustive and convincing argument, collating all the authorities and relying chiefly upon the decision of the United States Supreme Court in *Fort Leavenworth Railroad Company vs. Lowe*, which involved the character of Government property at Fort Leavenworth. Though he was opposed by such eminent counsel as Judge Hirschberg, Walter C. Anthony and Howard Thornton, his argument was sustained by the court and the law upon the subject was finally established in this State.

His stubborn defence a few years ago of an unpopular client will be long remembered. So strong was the public sentiment against his client and so thoroughly had the court room been surcharged with this sentiment that it was impossible for Mr. McClung to prevent his client's conviction of the offense of receiving stolen property, knowing it to be stolen. But, nothing daunted, Mr. McClung procured a stay of the sentence, reversed the conviction on appeal, and on the second trial cleared his client triumphantly, the court saying that the proof for the prosecution did not make the slightest progress toward fastening guilt upon the defendant. This case affords a striking illustration of the dangers that often surround innocent men in the artificially superheated atmosphere of a court room created by an excited and credulous public opinion eager for a victim. Had it not been for Mr. McClung's steadfast, stalwart and fearless exertions in this case, in the face of much hostile criticism, an absolutely innocent man, as subsequently ascertained by the court, would have been consigned to the ignominy of a term in State prison. Mr. McClung's action in thus stemming the tide of adverse, powerful and malignant influences bent upon crushing and ruining his client cannot be overestimated. It attests his place at the Orange County bar not merely for intellectual ability but for that moral courage which constitutes the very highest attribute, the noblest equipment of the advocate.

That Mr. McClung's manly, independent and intrepid character is understood and admired by the public was strikingly shown in the fall of 1907 by his election to the office of mayor of the city of Newburgh by a majority of over five hundred votes, overcoming an adverse majority of about five hundred usually cast in that city against the candidate of his party. The people evidently believed that Mr. McClung is imbued with the idea that a municipal corporation is, in its last analysis, simply a business corporation in which each taxpayer is a stockholder, the aldermen its directors and the mayor its business manager.

Mr. McClung has already shown that this confidence in his character and aims is well founded. He may be relied upon to give the people a purely business administration unfettered by political obligations and uninfluenced by the desire to build up a personal machine or to reward a band of hungry parasites.

Henry Kohl, of Newburgh, now the partner of Mr. McClung, is also a fighter. His tastes and his sympathies incline him to espouse the weaker

cause, and he is often assigned by the court to defend those who are unable to employ counsel. I remember a notable case in which he was thus assigned arising out of the killing of a motorman by the alleged criminal negligence of another motorman in causing a collision. The indictment was for manslaughter and the trolley company refused to give any assistance to the accused motorman, who languished several months in the county jail while his case was being tossed back and forth between the supreme and county courts. Mr. Kohl took hold of the case and so stoutly convinced several jurors that the fault was that of the company in not providing the motorman with proper appliances that a disagreement was secured and the motorman discharged on his own recognizance. This illustrates the quality of Mr. Kohl's work—earnest, strong, enthusiastic, courageous, loyal. Nothing dismays him. The more able and astute his opponent, the better he is satisfied, since it proportionately increases his credit in beating him, as he always expects to do, and frequently does.

Mr. Kohl is a verdict getter. His recent success in getting a verdict for \$9,000 in a negligence case was a gratifying one, while he also recently secured a favorable settlement in a case against the city growing out of the fall of a tree in a high wind, causing the death of a young lady. The lawyers who start in to try a case against Henry Kohl know that in him they will find an opponent equipped at every point and with every art to sway a jury and to save his client. He has forged his way ahead until now he is in the front rank of Orange County's trial lawyers.

J. Bradley Scott, of Newburgh, is the son of that noble lawyer, David A. Scott, whose precious legacy of an honorable name is guarded well by the son, who came to the bar several years after his father's death. He has developed far more fondness for the trial of cases than his father had and has already achieved a distinct standing as a trial lawyer. His recent success before the appellate courts, in the case involving the right of a soda water establishment to refuse to furnish soda water upon request to a colored person, has attracted great attention. The case involves grave questions and far-reaching consequences. Mr. Scott's broad, powerful and convincing argument in it shows that he inherits not only the good name but also the fine intellectual, discriminating qualities of his distinguished father.

George H. Decker, of Middletown, is the dean of its trial lawyers. He is the one first asked upon every public occasion to voice its spirit, or its

purpose, filling in this respect the part so often taken by Mr. Winfield, who was, by the way, until his death, always one of Mr. Decker's warmest friends and admirers.

Possessed of a highly sensitive, responsive nature, a poetic, imaginative temperament, an exquisitely nervous organization, his fibre is almost too fine for the buffetings and shocks of the court room. While his brilliant mind, his legal attainments and his oratorical powers have always been exhibited in the court room to great advantage and with marked success, yet he has often declined conflicts in which, if he had entered upon them, not he, but his opponent, would have had occasion to regret it. Mr. Decker has always placed a far more modest estimate upon his own abilities than he should have done, and a far lower estimate than that of the public, by which he is unreservedly admired and respected.

Mr. Decker's gifts as a public speaker, his scholarly tastes and his literary attainments are never shown to greater advantage than upon the lecture platform, from which he has often instructed and delighted a cultured audience. His recent series of brilliant lectures upon Edgar Allan Poe will be long remembered.

Soon after Mr. Decker's admission to the bar in 1870 he formed a partnership, under the name of McQuoid & Decker, with Henry M. McQuoid, who died a few years later. Mr. McQuoid's portrait hangs in Mr. Decker's office, but there is little else to remind us now of one who once occupied a large place in the interest and attention of the public. Mr. McQuoid was distinguished for bold, dashing, sparkling qualities as a trial lawyer. Soon after Judge Groo moved from Monticello to Middletown in 1866 he and Mr. McQuoid were opposed to each other in a trial in which Mr. McQuoid disputed all of Judge Groo's legal propositions with the prefatory remark, "That may be good law in Sullivan County but it won't go in Orange County." After Judge Groo had stood this as long as he thought he ought to, he remarked, "I want you to understand that there are just as good lawyers in Sullivan County as in Orange County." "Oh, yes," said McQuoid, "I know that, but *they* all stay there."

Judge Groo himself enjoyed the sally and was himself very quick at a retort. Once upon a trial in Goshen in which he was opposed by Judge George W. Greene, who at one time occupied a prominent place at the Orange County bar, subsequently living in New York, where he died, Judge Greene asked the jurors the usual question, whether any of them

had ever done any business with Judge Groo, saying that if so he would excuse them, whereupon Judge Groo said, "Are there any gentlemen in th box who have ever done any business with Judge Greene; if so I would like to have them remain."

Mr. McQuoid had a wonderful memory. He could entertain his friends by the hour repeating passages from famous orations or works of poetry. His memory treasured even a fugitive poem read once in a newspaper. I recall an instance of this. One day when I was driving back with him in a buggy from Circleville, where we had tried a case against each other (it was the local custom for the lawyers to drive out together for their justice's court trials) he repeated to me a poem he had seen in a newspaper written by Prime, the well known Eastern traveler, in memory of a young girl, Claude Brownrigg, who had died soon after he had told her of his travels in Palestine, as they walked the beach one night in the moonlight. I told Mr. McQuoid I would like a copy of it. So as soon as he got back to Middletown he wrote it off for me. I have preserved it these thirty years and more. Here are some of the lines:

"All this I wished as on the beach
Beside the sea I walked,
And to a young and white-robed girl,
As thus I wished I talked.
Talked of far travel, wanderings long,
And scenes in many lands,
And all the while the golden path
Led eastward from the sands.

"And she has crossed the shining path,
The path where moonbeams quiver,
And she is in Jerusalem,
Forever, yes, forever."

That lines like these should be repeated by him in coming back from a commonplace suit in justice's court shows how thirty-five years ago lawyers thought and talked of something besides law and politics, money and stock markets.

The name of the McQuoids should not be permitted to fade from the memory of the passing generation. His brother, Charles C. McQuoid, who died in 1866, attained even greater prominence at the bar. He enjoyed great personal popularity and his premature death at the age of thirty-six from typhoid fever, contracted at the home of a client, whose

will he had been asked to draw, removed from the bar one of its most conspicuous figures. His popularity is shown by his success in defeating Judge Gedney for district attorney by a narrow majority in 1859. He served as district attorney until 1862, being succeeded by Abram S. Cassey, who in 1865 was succeeded by J. Hallock Drake, another brilliant member of the Orange County bar who practiced in Newburgh for some years but who subsequently settled in New York.

Charles G. Dill, now the Nestor of the Middletown bar, studied law with Charles C. McQuoid, whose memory he holds in deep veneration. Mr. Dill at one time enjoyed the largest practice in Middletown. It is only lately that he has relaxed his devotion to business, now spending several months each year in Florida, where he has extensive interests.

Mr. Dill is the very soul of honor and integrity in all the relations of life. The kindness of his heart is often obscured by the brusqueness of his manner which sometimes gives strangers a wholly erroneous impression of a disposition singularly generous, open and buoyant. He is the precise opposite of the type represented by the traditional cow that gives a good pail of milk and then kicks it over. Mr. Dill kicks over the pail first and then proceeds to fill it with the milk of human kindness. He generally explains at the beginning how impossible it is for him to do anything for you and ends by doing more for you than you asked or expected.

Mr. Dill's miscellaneous library is the best in Orange County. He is a born, inveterate, irreclaimable bibliophile. A week that passes by without his buying some old, rare or scarce volume is to him a failure. The question of price is never considered. If he wants it he gets it and that is all there is of it. He has built several additions to his home to accommodate his treasures, but they constantly overtax its capacity. They overflow and regurgitate in a confusion that drives to despair the order fiend and the dust hunter.

Rosslyn M. Cox, who was for many years the partner of Mr. Dill and who recently has entered into partnership with Mr. Watts, is one of the most successful lawyers in Middletown. He is an expert in accountings before the surrogate and before the bankruptcy courts, but he is equally at home in a trial or in an argument before the court. The esteem in which he is held is shown by his nomination in 1906 for the office of county judge.

Associated with Mr. Cox is Elmer N. Oakes, whose abilities in the preparation of a case for trial are unique and remarkable. He is a natural mechanic, understanding with ease the most difficult adjustments, functions and forms of complicated machinery. The knowledge displayed by him in respect to the construction and operation of a locomotive boiler was an important element in the success of several actions growing out of an explosion.

After preparing the case for trial Mr. Oakes is entirely competent to try it. He has often examined and cross-examined the witnesses but distrusts his own powers when it comes to summing up the case to the jury. When his modesty shall be replaced by greater assurance he will be better known for his really solid attainments and fine abilities.

Abram F. Servin will probably never overcome his timidity at the sound of his own voice in the presence of a jury, though he can furnish enough law to other lawyers to keep them busy expounding it to the courts. He has argued and won cases in the Court of Appeals but his chief victories are carried off by other lawyers who argue from the learned and exhaustive briefs prepared by him. He is an expert in the preparation of a brief for the appellate courts. He can take the printed record of a case of which he never heard and construct from it a perfectly convincing brief upon either side.

Allen W. Corwin, who occupies the position of recorder of Middletown, has displayed in the performance of his duties firmness tempered by forbearance, judgment informed by conscience, justice controlled by wisdom. His broad and humane policy in dealing with minor offenses, united to his stern and rigid enforcement of the law in serious cases, largely accounts for the almost entire freedom of Middletown from crimes of pillage and violence.

Recorder William H. Hyndman, of Newburgh, has also succeeded during the last few years in greatly reducing the number of crimes committed in and about a city which was at one time infested by bold and desperate criminals. A river town is always subject to greater danger, through its opportunities for access and escape, but Recorder Hyndman has earned the gratitude of the public for an administration of the criminal law which has resulted in a marked improvement of the conditions once prevalent in his jurisdiction.

Of course the discouragement of crime rests largely in the vigilance of

the district attorney of the county. Thomas C. Rogers, of Middletown, the son of William H. Rogers, who himself could easily have attained eminence at the bar if he had so chosen, was elected to this office in 1906. He has already shown that in his hands the wise, faithful and efficient enforcement of the criminal law may be confidently depended upon. His previous administration for three years of the office of assistant district attorney was distinguished for unusual ability. He is amply qualified to uphold the traditions of an office always ably filled by such men as Fullerton and Carr, Brown and Hirschberg, Anthony and Headley, Powelson and Seeger.

J. D. Wilson, Jr., of Newburgh, who received the appointment as assistant district attorney, to serve with Mr. Rogers, is well qualified to sustain the burdens of the position, which are necessarily very considerable when it is considered that he is expected to exercise special vigilance in the entire eastern part of the county, including Newburgh itself.

Wickham T. Shaw was one of the most alert assistant district attorneys that Orange County ever had. He served in that capacity under Judge Fullerton from 1868 to 1871, trying many of the cases. His career at the bar of Middletown has afforded many opportunities for the display of his knowledge of the criminal law, gained in that association with one of the foremost lawyers of his time.

Abram V. N. Powelson never satisfied the expectations of his friends until he came to the office of district attorney in 1897, a position which he filled for seven years. They always knew that he had ability and they always regretted that his retention of the office of justice of the peace, for many years, prevented that recognition of his abilities to which they were entitled. But the opportunity to show his solid worth both as a lawyer and as a law officer came with his entrance into a wider field of county administration in which he acquitted himself with credit and distinction.

John F. Bradner, of Middletown, was also at one time closely connected with the administration of the criminal law, having been the recorder of Middletown for many years; a position in which he presided with great dignity over many important and exciting trials. Mr. Bradner is an advocate who enters upon a trial with all the ardor and enthusiasm born of absolute conviction in the justice of his cause, and he never fails to make a strong impression upon a jury.

John L. Wiggins, of Middletown, son-in-law of Judge Groo and brother of Willis H. Wiggins, an eminent member of the Ohio judiciary, is distinguished for the earnestness, energy and enthusiasm with which he espouses every cause committed to him. He is original and resourceful. In an action brought once against his client for a violation of the law in respect of adulterated milk, Mr. Wiggins gravely argued to the jury that in his judgment the law was unconstitutional. As the facts were clearly against his client, the judge did not take the trouble to interrupt him, but was astonished when the jury rendered a verdict in favor of Mr. Wiggins' client, based wholly upon the constitutional argument.

The next day Mr. O'Neill, encouraged by Mr. Wiggins' tactics, entered upon the same line of defence, but Judge Gaynor admonished by the miscarriage of the day before, promptly suppressed it, and Mr. O'Neill's client was convicted.

Alton J. Vail, of Middletown, is a lawyer whose modesty often conceals his merits, which, however, are well known to his clients. Mr. Vail has for many years transacted the business of the Middletown Savings Bank. He is an authority upon titles and upon all questions involving the law of real estate, his opinion upon these and kindred questions having frequently been sustained by the courts. Wide experience, sound judgment, conservative instincts, elevated character, absolute probity and intense loyalty in friendship unite in Alton J. Vail, the able lawyer, the honorable man, the upright citizen.

A. C. N. Thompson, of Middletown, who is in partnership with Mr. Dill, has abundant inspiration in his name. He is the son of John A. Thompson, once a prominent lawyer of Monticello who, on account of his admiration for one of the greatest lawyers of his day named him after Archibald C. Niven.

Mr. Thompson has already shown one quality conspicuous in his distinguished godfather—that of capacity for hard work. His energy and self-denial in preparing himself for the bar while engaged in the exacting duties of another calling, give promise of abundant success in the career now opening before him.

Charles T. Vail, who entered upon a career of high promise at the bar was cut down upon its threshold. No lawyer in Middletown ever had the faculty of winning friends as easily as he. His sunny disposition, affectionate nature and engaging manners won for him a host of admirers,

adherents and clients. Undimmed affection in many hearts still sheds a tear over the untimely grave of Charlie Vail.

DeWitt Van Zandt, of the Middletown bar, was the son of that gifted divine, Dr. Van Zandt, so long the beloved pastor of the brick church at Montgomery. Coming to Middletown fresh from college, his sparkling wit and ready repartee endeared him to a large circle of admiring friends. But soon he was overtaken by broken health, which paralyzed his energies and crumbled his ambitions. Through all the experiences of a life that failed to fulfil its early promise, he maintained the instincts, the manners and the bearing of the true gentleman. He never lost the sweetness, serenity and gentleness of his disposition, or the high standard of personal honor inherited from his revered father. Fond meditation still tenderly dwells upon the fadeless memory of DeWitt Van Zandt.

John G. Mills, of the Goshen bar, removed to Washington, where he died in April, 1883. While necessity chained him to the law inclination led him along the flowery paths of literature. His talents and accomplishments brought him into relations with the great and the gifted, one of his dearest friends being Robert G. Ingersoll, who pronounced the oration at his funeral. Mr. Ingersoll said:

"My friends: Again we are face to face with the great mystery that shrouds the world. We question, but there is no reply. Out on the wide waste seas there drifts no spar. Over the desert of death the sphinx gazes forever, but never speaks.

"In the very May of life another heart has ceased to beat. Night has fallen upon noon. But he lived, he loved, he was loved. Wife and children pressed their kisses on his lips. This is enough. The longest life contains no more. This fills the vase of joy.

"He who lies here, clothed with the perfect peace of death, was a kind and loving husband, a good father, a generous neighbor, an honest man,—and these words build a monument of glory above the humblest grave. He was always a child, sincere and frank, as full of hope as spring. He divided all time into to-day and to-morrow. To-morrow was without a cloud and of to-morrow he borrowed sunshine for to-day. He was my friend. He will remain so. The living oft become estranged; the dead are true. * * *

"With him immortality was the eternal consequences of his own acts. He believed that every pure thought, every disinterested deed, hastens the

harvest of universal good. This is a religion that enriches poverty; that enables us to bear the sorrows of the saddest life; that peoples even solitude with happy millions yet to live,—a religion born not of selfishness and fear, but of love, of gratitude and hope,—a religion that digs wells to slake the thirst of others, and gladly bears the burdens of the unborn.

“But in the presence of death how beliefs and dogmas wither and decay! How loving words and deeds burst into blossom! Pluck from the tree of any life these flowers, and there remain but the barren thorns of bigotry and creed.

“All wish for happiness beyond this life. All hope to meet again the loved and lost. In every heart there grows this sacred flower. Immortality is a word that Hope through all the ages has been whispering to Love. The miracle of thought we cannot comprehend. The mystery of life and death we cannot comprehend. This chaos called the world has never been explained. The golden bridge of life from gloom emerges and on shadow rests. Beyond this we do not know. Fate is speechless, destiny is dumb, and the secret of the future has never yet been told. We love; we wait; we hope. The more we love, the more we fear. Upon the tenderest heart the deepest shadows fall. All paths, whether filled with thorns or flowers, end here. Here success and failure are the same. The rag of wretchedness and the purple robe of power all difference and distinction lose in the democracy of death. Character survives; goodness lives; love is immortal.”

Harrison W. Nanny, of Goshen, had a pathetic career. Possessed of unusual talent and capacity he was handicapped in the practice of his profession by an accident which paralyzed his energies, embittered his solitary life and pressed to his rebellious lips the chalice of mocking irony.

But while he was not resigned he was courageous. Some of the work which he performed in suffering and illness is marked by a high degree of intellectual power. Only his misfortunes prevented his attaining prominence at the bar.

No one has a deeper affection for the memory of Mr. Nanny than his old friend and partner, Charles L. Mead, who now lives in retirement from the activities of his profession at his home in Middletown. Mr. Mead has the unprecedented record of having served three terms in succession as county treasurer—a striking proof of his influence, his popularity and his qualifications for public office. During his entire period

of service not one of his official acts was ever questioned and he surrendered the office crowned with the respect and confidence of the public.

Bradford R. Champion, of the Goshen bar, was a contemporary of Winfield and Gedney. While his talents were not brilliant or showy he still possessed those solid, sterling qualities of mind and heart which impart strength and vigor to individual character; which inspire confidence in the community at large; which uphold the very structure of society; which confer blessings upon every relation in life and which bring peace and honor, repose and happiness to their possessor.

The recent death of William H. Wyker removed one who, while not prominent in the trial courts, possessed many endearing traits of character and occupied a large place in the social and civil life of Goshen. He was also in great favor and request as a speaker in political campaigns. He could have taken his place among the trial lawyers of the county, had he so chosen, but, he, too, suffered under the disadvantage of having accepted the office of justice of the peace—that abyss in which talent has so often found its unmarked grave.

The late Benjamin F. Low, of the Middletown bar, was one of the most genial spirits ever drawn into social relations with his fellow-men. He fairly oozed companionship and good fellowship. He was also a good lawyer, coming from a family of which Senator Henry A. Low, his brother, was the most able and conspicuous member.

He had some notable successes at the bar. In the case of Josie Teets against the city of Middletown he obtained a verdict for considerably more than he would have got if it had not been for the mistake of his opponent in the cross-examination of the plaintiff's physician, Dr. William H. Dorrance, who, on the direct, had testified to only moderate injuries to his patient as the result of her being thrown over the dashboard on account of an obstruction in the street. But he became nettled by the cross-examination and when he was finally asked: "Now, doctor, tell me just what is the matter with this young lady," he replied: "Why, Mr. O'Neill, there is not one organ or function of that woman's body that works healthfully or naturally."

This brought up the verdict from \$1,000, all that Mr. Low expected to get, to \$3,000. It was a lesson to all who heard it as to the danger of giving a hostile witness too good an opening. As a matter of fact, the woman is still living in vigorous health.

Louis S. Sterrit, of Newburgh, who died in April, 1907, left a void in the hearts of a large and intimate circle. He enjoyed an extensive clientage and the confidence of the entire community. He was the attorney of that old, strong and conservative institution, the Newburgh Savings Bank, and of many other institutions and societies. His dignified presence, his affable manners, his substantial worth, his sincerely religious character, his mental poise combined to produce an impression upon the community which the corrosion of time will, with difficulty efface.

Mr. Sterrit was eminently public-spirited. In 1904 he erected at the entrance of Woodlawn Cemetery, New Windsor, two very fine gates. He also placed in the Union Presbyterian church of Newburgh a tablet in memory of the late Rev. Alexander B. Jack, one of his pastors.

His generosity was unbounded. No client, however poor or humble, ever failed of help or counsel because he lacked a fee.

The death in 1906 of Lewis W. Y. McCroskery, of the Newburgh bar, created a general feeling of sorrow and a distinct sense of personal loss. He had filled many offices which brought him into individual relations with the entire community, and it is safe to assert that he had not a single enemy. His appointment as postmaster by President Cleveland was filled with credit to himself and usefulness to the public service. His professional career was interrupted by this service, but when he resumed his practice at the expiration of his term his clients gathered about him again, for they and the bar alike always appreciated deeply his amiable disposition, his spotless character, his solid ability.

Joseph M. Leeper, of the Newburgh bar, also passed away in 1906. A veteran of the Civil War his health did not permit him to engage in active practice, but he took an honorable pride in his membership of a profession which he never did one act to discredit.

The mention of Mr. Leeper suggests the name of one who should not be suffered to fall into oblivion, for it was one of the strongest passions of his own life to perpetuate the memory of the leaders of the Orange County bar, by which he was especially deputed to prepare and publish the memorial to Mr. Winfield. No one will dissent from a passing tribute to the generous instincts and throbbing heart of John K. Goldsmith.

Henry W. Chadeayne, elected in 1906 supervisor of the town of Cornwall, but practicing in Newburgh, stands out as one of the few men who

always says what he thinks. You can always tell where to find him, and that is just where he says he is. You do not have to go to any one else to learn where he stands. Just ask him and you will know. He has no patience with trimmers and time-servers. He always takes the most straight road possible to any given end.

This rugged intellectual honesty constitutes a positive force and a sterling asset. The public service and the legal profession have no purer representative than Henry W. Chadeayne.

Among the members of the Newburgh bar who have risen rapidly to prominence is James G. Graham, the son of the gifted lawyer already referred to, whose full name he bears. Mr. Graham, after four years' experience in public affairs at Albany, in the executive chamber, accepted the office of deputy attorney-general, which he held two years. This position, which has always been a most exacting one, involving the trial and argument of cases of great magnitude, was filled by Mr. Graham with marked ability and to the entire satisfaction of the public. It was during his incumbency of this position that Mr. Graham was chiefly instrumental in bringing about the creation of the new ninth judicial district—a service for which the Orange County bar can never be sufficiently grateful to him. It is to his untiring and influential exertions that we are chiefly indebted for the creation of a natural, homogeneous judicial district, free from the blight and incubus of Kings County—a district in which the accession to the bench of Judges Mills, Tompkins and Morschauser insures the preservation of those standards of judicial dignity, decorum, deliberation and, above all, consideration for the rights and feelings of the bar, which have been so nobly maintained by their distinguished colleague, Judge Keogh.

The Newburgh bar has many members of varying degrees of prominence and experience, including the venerable Jesse F. Shafer, who was born in 1828; Samuel E. Dimmick, who comes from a family of able lawyers; Seward U. Round, who worthily bears the famous name bestowed upon him at the time his father was principal of the Seward Institute at Florida; Caleb H. Baumes, who is idolized by his brethren of the Odd Fellows; Peter Cantline, aggressive, ambitious and rising, destined to take his place among the foremost members of the Orange County bar; James M. H. Wallace, earnest, forcible, unflinching, indefatigable and intellectual; Charles W. U. Sneed, modest, interesting and

well informed; David C. Scott, patient, devoted and industrious; Leroy Dickerson, engaging and efficient; John B. Corwin, the fit successor of Louis S. Sterrit as attorney for the Newburgh Savings Bank and, like him, retiring and reserved until the occasion calls for action, when he is eloquent, convincing and powerful; Frank W. Tompkins, popular and respected; George W. May, refined and gentlemanly; Martin G. Mould, courteous and affable; W. J. Wygant, unassuming and competent; Reeve Ketcham, faithful and energetic; Reuben H. Hilton, U. S. Collector of the Port of Newburgh; Russell S. Coutant, accomplished and scholarly; Nehemiah Fowler, solid and dignified; A. D. and A. W. Lent, father and son, educated, amiable and conscientious.

The Walden bar is adorned by the ardent, impulsive, enthusiastic, brilliant A. S. Embler; by the earnest, thoughtful, learned Irving H. Loughran; by the bustling, energetic, ambitious Anson J. Fowler, and by the fine natural abilities of Caleb B. Birch, Jr.

Joseph M. Wilkin, of the Montgomery bar, bears an honored name—that of his father, who for several years occupied a prominent position at the bar of Tennessee, returning to Orange County at the opening of the war on account of his pronounced Union sentiments. He was the brother of Judge John G. Wilkin, already referred to, and the two had many traits of character in common derived from their sterling ancestry. It is not strange that the younger Joseph M. Wilkin should exhibit in his present administration of the duties of special surrogate the qualities which have always distinguished the members of his famous and honorable family.

The bar of Montgomery is also strengthened by the high character and unquestioned capacity of William L. Dickerson. But Montgomery has ceased to be the center of legal interest which it was in the days when Edward Van Orsdall organized a suit there at least once a week and where he and that once well known member of the Goshen bar, George W. Millspaugh, frequently tried out the issues before a jury packed to beat one or the other.

The Middletown bar includes, among its well known members, Henry T. Crist, whose personal popularity led to his election as coroner; Russell M. Vernon, who has acquired a large practice in the Surrogate's Court; Howard M. Starr, who is performing the duties of justice of the peace; John Bright, whose alertness, readiness and general information predes-

tine him to an active career; Jeremiah E. Barnes, who served most acceptably for several years as the recorder of the city of Middletown, and Charles C. Elston, who has manfully overcome many difficulties in establishing and maintaining his position at the bar.

The Goshen bar includes among its honored members Charles W. Coleman, who, notwithstanding that he is a martyr to ill health and is compelled to spend the winters in Florida, retains the confidence and business of a host of personal friends; also William D. Mills, who has learning enough to equip a dozen lawyers for successful practice.

Louis Bedell, of the Goshen bar, secured at Albany in the Assembly a more powerful personal influence than any member from his district ever enjoyed, with the exception of his former partner, George W. Greene. This was, of course, partly due to the wisdom of the electors in keeping him there. But Mr. Bedell's many qualifications for success in public life accounted in a large degree for the extent of his influence. A lawyer is always needed in either the Assembly or the Senate and no amount of good fellowship or general intelligence can make up for the lack of legal training and experience.

Joseph Merritt, of Goshen, whose diffidence prevents his coming into prominence before the public is, however, unable to conceal from his professional brethren his very superior legal attainments. He is a lawyer of the very first rank. His opinion is respected and followed in many instances in which the court is unaware that it is he who has guided it to a correct conclusion.

Philip A. Rorty, of the Goshen bar, has gone rapidly to the front. The wide experience gained by him in the extensive business established by the firm of Bacon & Merritt, in which he is a partner, has been used by him to great advantage. He is entrusted with the preparation of important cases, in the trial of which also he takes a considerable and highly creditable part. He is an expert in railroad law and in the law of negligence.

J. Floyd Halstead, of Goshen, is the son of one of the most warm-hearted, noble, honorable men who ever lived—the late John R. Halstead of Unionville. If he will but emulate in private and professional life the virtues of his most estimable father he will be sure to continue and confirm the success which has already in a large measure attended upon him.

J. V. D. Benedict, of Warwick, represented his district in the Assembly in the year 1877. His suavity of manner and moderation of speech are the sincere reflection of a kind, generous and affectionate nature.

His interest in various pursuits has interfered with the singleness of his devotion to the law, but his opinion upon difficult questions has often been sought and followed with the most satisfactory results to himself and to his clients.

Clifford S. Beattie, of Warwick, who is associated in business with his father, Judge Beattie, settled in his old home after a most valuable and enlightening experience, as one of the legal staff of the Metropolitan Railway system in New York. He possesses an individuality, an independence and a strength of character which prevent his being overshadowed by the great reputation of his father. But if he did not have these qualities he would not be a Beattie.

Lewis J. Stage, of Warwick, who is associated in business with Mr. Kane, under the name of Kane & Stage, had the good sense to voluntarily resign the office of justice of the peace—that grave of professional ambition; that rock upon which so many a professional career has foundered. Since then he has made strides in reputation and influence.

Mr. Stage has always taken an active part in the educational, philanthropic, historical and religious interests of the community. His sincerity in this is manifest and unquestioned. He is free from all forms of cant and pretense, sham and affectation.

John Miller, of Cornwall-on-Hudson, whose memory goes back to the days of McKissock, is a veritable encyclopedia of the law; a storehouse of principles and authorities; a reservoir of unlimited capacity; a fountain of perennial flow. If he had been as able to apply, discriminate and assimilate as he has been to accumulate stores of knowledge his abilities would undoubtedly have been more widely recognized.

Thomas S. Hulse, of Westtown, has long enjoyed the advantage of being the only lawyer in town. He is often consulted upon the controversies arising in it and his influence is always for peace rather than strife, for settlement rather than litigation. His solid worth of character commands for him universal and unchallenged respect.

Frank R. Gump, of Highland Falls, signalized his entrance into practice at the Orange County Bar by bringing the unusual action of a man against a woman for her breach of promise in refusing to marry him. He

has been the attorney for some most important interests involved in actions brought to determine priority of water rights. The ability shown by him in the management of these cases and especially in the examination and cross-examination of the witnesses in several trials has given him a recognized position at the bar of the county.

Frank Lybolt, of Port Jervis, who filled most competently a term of office as special county judge, has tried some cases in the Supreme Court with an intelligence, earnestness and spirit which attracted the attention of his professional brethren.

Wilton Bennet, of Port Jervis, has given special attention to the trial of criminal cases in which his zeal, earnestness, boldness and eloquence have given to him many professional victories and to his clients many occasions for profound and lasting gratitude.

William P. Gregg, of the Port Jervis bar, has, by his straightforward and manly character, impressed himself most favorably upon the community. His ability as a lawyer received deserved recognition in January, 1907, when he was appointed the tax appraiser of Orange County.

Henry B. Fullerton, of Port Jervis, greatly resembles in character and ability his relative, Daniel Fullerton, who, though he did not attain the eminence of his brothers, William and Stephen W. Fullerton, possessed more original gifts and natural eloquence than either of them.

The Port Jervis bar is also enriched by the fine character and sterling abilities of Alfred Marvin and R. Edward Schofield.

William A. Parshall, of Port Jervis, who was at one time associated with Mr. Carr in the protection of the interests of the Erie Railroad Company, has won the respect of the community and of his professional brethren by the high-minded, honorable, sincere and manly course which he has always pursued in every walk of life, private, public and professional.

His splendid vote in the autumn of 1907 for the office of surrogate attests the popular esteem in which he is held.

John B. Swezey, his successful competitor, entered upon the duties of the office of surrogate in January, 1908.

He was for many years the attorney for the Middletown State Hospital and he has occupied many other positions of responsibility, the duties of which he has always discharged with fidelity and ability. His service as special surrogate brought the bar of the county into close acquaintance

with his superior judicial qualifications and prepared it to expect his elevation to still higher judicial station.

Orange County has always been fortunate in its surrogates and the friends of Judge Swezey confidently expect him to maintain unsullied the traditions and the standards set by such predecessors as Scott and Coleman, Wadsworth and Howell.

Obadiah P. Howell retired from the office of surrogate on the first of January, 1908, after an incumbency of twelve years, with the profound respect of the bar and of the public for both his character and his attainments. Judge Howell possesses an evenly balanced, well poised character which admirably fitted him for the duties of this position.

His abilities as a lawyer were also brought into constant requisition during his terms of office on account of the many new questions which arose under the operation of the transfer tax statutes. These questions were disposed of by him with rigid impartiality, zealous regard for every interest represented, and deep anxiety to arrive at a just and sound conclusion. His careful discrimination in applying the principles of law involved has resulted in a body of decisions which command the respect of both the bar and the judiciary.

Judge Howell was always most conservative. Such was his veneration for the last wishes of a dying testator that if he ever felt it his duty to set aside a will, the fact is not generally known. He gave no encouragement to those frivolous and often merely speculative or intimidating contests which have done so much to bring probate administration into reproach in many jurisdictions.

Judge Howell always exhibited one characteristic which commands special commendation. He never tolerated the merely perfunctory performance of their duties by guardians appointed to represent the interests of minors or incompetents. He exacted the most careful investigation of their rights to the end that they should be fully protected and he so exercised his authority in making appointments as to insure this result. His administration will go down to history as one of the purest and ablest in the annals of the county.

Roswell C. Coleman, who preceded Judge Howell in the office of surrogate, occupying it for twelve years (1883-1895), entered upon his duties with peculiar qualifications for their successful discharge. His professional bent had always been in the direction of practice in the Surrogate's

Court and of interest in all the questions arising in the construction of wills. Moreover he began his practice with the senior Joseph W. Gott, an association from which he could not fail to derive benefit as well as pleasure.

His eminently judicial temperament was early recognized by the judges and by his associates with the result that, in the days when references were far more common than they are now, owing to the inadequacy of the judicial force and the necessity for auxiliary requisitions upon the profession, Mr. Coleman was constantly designated by the court and by consent of counsel to serve in important references. His absolute fairness, his love of justice, his freedom from influence and his unerring judgment made him the favorite referee in the county during that entire period of imperfect judicial service which was supplemented in him by an ability fully equal to that of the judge appointing him. I remember an occasion when Judge Barnard, in announcing the selection of Mr. Coleman as referee, remarked to the attorney, "Don't let him get after you with his gun," referring to his well-known experience in 1875 as a member of the first American rifle team that ever went abroad, Mr. Coleman returning with several prizes for his skilful marksmanship.

Mr. Coleman's tenure of the office of surrogate was distinguished for the display of those high judicial qualities with which the entire bar had become acquainted in his frequent exercise of them as referee. Indeed, so great was the respect in which they were held that in many contests involving large interests, the parties acquiesced in his decision as final, the defeated party taking no appeal. This was notably the case in the matter of the will of John S. Sammons, in which all his property was given to a church upon the condition that it should care perpetually for his tomb. The church took no appeal from the decision of Surrogate Coleman refusing to admit the will to probate. The opinion of the surrogate is a masterly review of the law of insane delusions as affecting testamentary capacity; pointing out that a will may often be upheld notwithstanding the presence of insane delusions when those delusions do not tend to produce the will. But in this case the will was rejected because the delusion under which the testator labored did govern him in the disposition of his property, he having formed the delusion that his body was to be preserved to the end of time and having given his property to the church to secure the protection of his tomb from disturbance. The opinion con-

tains a very subtle, acute and interesting discussion of other delusions cherished by the testator which would not in themselves have invalidated the will, but which are considered as bearing upon the liability of the testator to form a delusion by which he was controlled in the disposition of his property.

Although the case attracted great attention, the opinion of the surrogate never was reported. For this reason it is especially appropriate that a partial report of it should be preserved in this all too perishable record. The case constitutes, also, one of the notable legal victories of Henry W. Wiggins, who appeared for the contestants.

Mr. Coleman since his retirement from the bench has been honored with many marks of continued confidence in his judicial qualifications. No lawyer now living commands greater respect for the simplicity of his life, the purity of his character, the force of his example, the vigor of his manhood, the solidity of his attainments and the genuineness of his learning than does Roswell C. Coleman.

Henry A. Wadsworth, who preceded Mr. Coleman in twelve years' incumbency of the office of surrogate, brought to its duties a large fund of practical knowledge, common sense and capacity for affairs. His legal attainments were ample and he was deeply anxious in every case to arrive at a sound and just decision. His place in the affections of the bar was accurately as well as touchingly set forth in the memorial address of Judge Hirschberg, in which he said:

"The sweetness and gentleness of his nature, his genial and frank spirit, the generous impulses of his heart, and the broad and engaging charity of his views are known best to the favored few who rejoiced in his intimate companionship. His hand was open as the day to melting charity. His dealings were ever plain, straightforward and direct. He despised all shams and affectations. To his friends he was the very soul of unselfish loyalty, and to the party which honored both him and itself in his elevation, and in whose counsels he was ever a trusted leader, he rendered always a manly and unfaltering allegiance. A loving husband, an affectionate and indulgent father, a wise, honest and safe adviser, an unstained lawyer, an incorruptible judge, and a loyal friend are buried in his grave. And if amid the good of his great nature there was mingled any blemish or alloy of human fault or folly, let us to whom his name is now but a sweet and tender memory

'No further seek his merits to disclose
Nor draw his frailties from their dread abode,
(There they alike in trembling hope repose)
The bosom of his Father and his God.'

Gilbert O. Hulse, who preceded Mr. Wadsworth in the office of surrogate, still survives at the age of eighty-four to relate his reminiscences of the bench and bar of a previous generation. Before coming to this office in 1868 he had enjoyed a large professional experience which fully qualified him for his duties. He was engaged in many notable cases, in one of which, attracting great attention at the time, he established a lost will many years after it had been wrongfully destroyed and secured the property till then denied to its rightful owners, his clients. Much of his professional life has been passed in the city of New York, but he retains his residence in Orange County, in which he was born in 1824, and with which his ancestors had been identified since 1775.

The early part of the last century was marked by the rise in Orange County of an able and progressive bar, whose courage and public spirit contributed to keep alive the fires of exalted patriotism. Jonathan Fisk, who removed to Newburgh in 1800, became one of the most influential citizens of the county, being elected twice to congress and being appointed twice United States attorney for the Southern District of New York.

Henry G. Wisner, who was admitted in 1802, settled in Goshen in 1810, where for thirty years he stood forth as its most prominent citizen, its most active philanthropist and one of its foremost lawyers.

Walter Case, who also was admitted in 1802, settled in Newburgh, serving in congress and becoming the surrogate of the county in 1823 for a term of four years. His scholarly tastes and literary gifts still find inherited expression through the cultured mind of his descendant, Walter Case Anthony.

David W. Bate and Thomas McKissock, who were associated under the name of Bate & McKissock, were strong and able men, exercising a wide and potent influence. Judge Bate was elected county judge in 1847. Judge McKissock was appointed supreme court judge to serve for a few months and was elected to Congress in 1849.

William C. Hasbrouck, who studied with Mr. Wisner, was admitted in 1826 and began his practice in Newburgh, where he resided until his death. He was speaker of the Assembly in 1847 and attracted attention

and admiration abroad as well as at home by a courtly presence and charming address, united to robust manhood and sturdy principles. He enjoyed the personal friendship of many prominent men of every shade of opinion, including Sam Houston, Andrew Jackson and William H. Seward. He died in 1870.

Benjamin F. Duryea filled a large place in the life of the county. Admitted in 1839, he became surrogate in 1847 and county judge in 1855. His opinion upon any state of facts submitted to him was regarded by his associates of the bar as conclusive upon the questions of law involved. His son, Henry C. Duryea, whose career was marred by precarious health, survived him until 1906.

Of all the able lawyers who have kept bright the fame of the Goshen bar, perhaps no one ever exhibited greater force of character or made a deeper impression upon his fellow citizens than Samuel J. Wilkin, who was admitted to the bar in 1815 and who practiced in Goshen from that time until his death in 1866. He served with distinction in Congress and in the Senate of the State. His fiery eloquence, commanding presence and lofty character live in traditions that will long preserve his name from indifference or his memory from neglect. His daughter Sara became the wife of ex-Surrogate Roswell C. Coleman. His father, General James W. Wilkin, was also a distinguished man, serving in the Senate, Assembly and Congress, and coming within one vote of being elected to the United States Senate.

Oliver Young rose to conspicuous influence and weight in Port Jervis soon after his removal there in 1849. He lived during the period of political unrest which soon afterwards set in, and he was the foremost champion of anti-slavery principles in the county at a time when his sentiments were highly unpopular. He survived to see the once decried abolitionists acclaimed by the arbitrament of war and the verdict of history the most advanced statesmen of their century. He died in 1871.

This brings our narrative to the point of time from which the direct connection of the Orange County bar with the events of that stirring period and with the subsequent history of the county has been traced.

When it is considered that, in the sixty years preceding the publication of Eager's History of Orange County in 1847, no less than one hundred and seventy-five lawyers were admitted to practice in Orange County, their names appearing in the appendix to that volume; and that, in the

sixty years now elapsed since its publication, fully as many more have been added to the number, it will readily be seen how impossible it is to undertake, in one department of a general county history, a sketch of many, among the living and the dead, whose estimable career it would be a pleasure to follow and depict. The purpose of this review and the treatment of its themes are entirely different from the plan and method adopted in Ruttenber's History of Orange County published in 1881, to which the reader is referred for such dates as may not be accessible here in respect to some of the lawyers who flourished before that time; while to Eager's history is referred the reader who may seek simply the names of those who were admitted to practice before 1847.

The bar of Orange County has also contributed to wider fields of activity many who have reflected high honor upon the place of their professional nativity. One of these was Benjamin F. Dunning, who, when he was in practice in Goshen in 1853, was invited by the leader of the New York bar, Charles O'Connor, to become associated with him. That veteran of the Orange County clerk's office, Charles G. Elliot, who has seen three generations of lawyers come upon the scene, told me that he was in the clerk's office when Mr. Dunning received the letter from Mr. O'Connor containing this proposition and saw him show it to Nathan Westcott, then a leading lawyer of the county and once its district attorney, whose brilliant career was interrupted by paralysis resulting from a fall from a wagon. Mr. Westcott handed the letter back to Mr. Dunning with the remark that Mr. Dunning would never live to receive a higher honor than this evidence of Mr. O'Connor's admiration and confidence. This confidence was abundantly justified in the long years of Mr. Dunning's association with Mr. O'Connor, which continued until Mr. O'Connor retired from practice.

William Fullerton also was invited by Charles O'Connor to New York, where he soon established a reputation as the most superb cross-examiner of his generation and as an advocate of remarkable gifts. He retained until his death his residence in Newburgh, where he had originally been associated in practice with James W. Fowler, whose honorable service as the surrogate of Orange County from 1851 to 1855 is still remembered.

John Duer, after several years of practice in Goshen, went in 1820 to New York, where he became a justice of the Superior Court and the author of several valuable textbooks. His fame is preserved in his writ-

ings, though these give no conception of the effect of his noble presence and impassioned oratory.

Of course, the reputation which towers above that of any man ever born in Orange County is that of William H. Seward, who studied law in Goshen with John Duer and Ogden Hoffman. This is not because he was a greater lawyer than either of his preceptors but because his career as a United States senator in the period of excitement before the Civil War, his valuable services as Secretary of State in the crisis of our national life and his farseeing statesmanship in acquiring the territory of Alaska, have written his name large upon the roll of everlasting fame.

Ogden Hoffman, indeed, excelled him in all the attributes of a great lawyer. Admitted to the bar in 1818 and elected district attorney of Orange County in 1823, his transcendent abilities soon drew him to New York, where he transfixed the wondering gaze of its brilliant bar, which welcomed into its firmament this star of first magnitude. Benjamin D. Stillman, one of its leaders, in an address made in 1889, thus refers to him: "The fascinating Ogden Hoffman, the Erskine of our bar, at which he became powerful and eminent and captivated all by his art and his wonderful eloquence; his voice was music from the note of a lute to the blast of a bugle." Luther R. Marsh, when opposed to him once upon a trial, sought to forestall the dreaded effect of the speech in which Hoffman was to follow by describing him as one who "could rise upon the heaving exigencies of the moment, and at whose bidding instant creations and mighty embodyings of thought and argument, sublime conceptions, glowing analogies and living imagery burst as by miracle from the deep of mind in overshadowing forms of majesty and power."

George Clinton and his nephew, DeWitt Clinton, are claimed by Ulster County, because New Windsor, the town in which they were born was, at the time, a part of Ulster County, it not having been set off to Orange County until 1799. But their fame has passed beyond the trivial rivalries of county pride. It belongs to the State and to the Nation. George Clinton died in 1812, vice-president of the United States. DeWitt Clinton died in 1828, governor of the State of New York.

In our own time, too, Orange County has contributed to the bar of the State many distinguished ornaments. The brilliant career of Lewis E. Carr, once its district attorney, but now a member of the Albany bar, has already been outlined.

George W. McElroy is a member of the Orange County bar, now representing it at Albany, of which the bar is particularly proud. In the intervals of his official duties in the Transfer Tax Bureau he prepared a work upon the transfer tax law which affords abundant evidence of his industry, research and learning.

Mr. McElroy's service as special surrogate of the county at the time that he resided in Warwick, was distinguished for some opinions which showed his marked qualifications for judicial station. He wrote an opinion in a case involving the question whether the statute of limitations runs in favor of an administrator, in which the doctrine maintained by him was not generally accepted by the courts; but later the courts adopted and enforced the view which he, at one time, was almost alone in asserting.

Mr. McElroy is assured of a warm welcome from his brethren of the Orange County bar when he is ready to exchange the weary, dreary, depressing treadmill of department officialism for the pleasant, refreshing, verdured paths of general practice.

John B. Kerr, of the Newburgh bar, is another lawyer of whom Orange County is indeed proud, though he has now been separated for some years from its personal associations and activities, having accepted the position of general counsel for the New York, Ontario & Western Railroad Company. In this responsible position he finds unusual opportunity to exercise and develop those qualities of sound judgment, rare foresight, steady poise and intellectual grasp in which he so excels and of which his early career at the bar gave abundant promise.

Thomas P. Fowler, whose home is in Warwick, and who was at one time a member of the firm led by his distinguished father-in-law, Benjamin F. Dunning, has acquired a position in the railroad and financial world which reconciles him to his withdrawal from the activities of his profession. The masterly ability shown by him in making the New York, Ontario & Western Railroad Company one of the most important and valuable railroad properties of the country has given him national prominence and reputation.

John M. Gardner, formerly of the Newburgh bar, settled in New York, where his chief reputation has been gained in actions against corporations.

He is a recognized authority in the law of negligence, having won many important cases and having edited for some years a series of reports specially devoted to cases of negligence. Mr. Gardner was born in Warwick,

to which lovely spot he frequently returns. His career in Newburgh was distinguished by the same qualities which have commanded success in a broader field. His fine presence, unfailing resources, entire self-possession, tireless energy, dauntless courage and impressive delivery combine to make him one of the most formidable trial lawyers of the State.

Amos Van Etten, who began his practice in Port Jervis, removed to Kingston, where he very soon established his title to recognition as one of the leaders of the Ulster County bar, a position which he now holds by general acknowledgment of both the bar and the public.

Mr. Van Etten, as the attorney for the New York Central Railroad, and of other public service corporations, has been compelled to give his chief attention to railroad and negligence law, though he commands also a wide general practice. His success has been emphatic, pronounced and permanent.

William H. Stoddard, formerly of the Middletown bar, has become a prominent member of the Buffalo bar. He is original, independent and entertaining in his addresses to juries, while his conversation is full of wit, sally and anecdote.

One day there came to his office an old client whose wife had just left him to take up her abode with another man. His client was in deep dejection and wanted comfort. This is the way "Stod"—as he was familiarly called by his friends—gave it to him. He said: "Cheer up, John, brace up: why, there are a dozen men in Middletown who would be glad to be in your shoes to-day."

Referring once to the wife of a friend, who was known to be a termagant, he said: "She's the most even-tempered woman I ever knew—always mad."

This faculty of bold, rapid characterization has always prevented him from being dull either in his speeches or in social life. He is nothing if not interesting. His rare qualities of mind and heart endeared him to a large Orange County circle, which still affectionately remembers him.

William S. Bennett, formerly of the Port Jervis bar, removed to New York, where his career has been one of uninterrupted prosperity and promotion. He is now representing his district in Congress, where he has already achieved distinction in that most difficult of all places in which to compel immediate recognition.

His abilities have been so conspicuous and the esteem of his colleagues

has been so unmistakably manifested that the attention of the entire country has been fixed upon this still cherished son of Orange County.

Not only has Orange County sent forth many lawyers whose names have become famous throughout the world, but Orange County is the Mecca to which many of the country's ablest lawyers repair to spend their declining years, attracted by its beauty and invigorated by its atmosphere. Benjamin F. Tracy, once secretary of the navy and long one of the leading advocates of the bar of Brooklyn and New York, now spends much of his time upon his beloved farm near Goshen. General Henry L. Burnett, prominent in Ohio and New York, whose life of high adventure and brilliant achievement possesses all the interest of romance, also finds upon his Goshen estate the leisure in which to charm a choice circle of friends old and new with reminiscences of the famous men with whom he has been associated on equal terms and of the stirring scenes in which he has so honorably and conspicuously mingled.

Orange County, which has in days gone by attracted to itself the sensitive poet, Nathaniel P. Willis, the scholarly historian, Joel T. Headley, the gifted lawyer, Luther R. Marsh, and the still vigorous publicist, John Bigelow, will never cease to have a charm for the retired veteran of letters and the law. It should never cease to interest also the active and alert practitioner who, on its rugged hills and in its peaceful valleys and by its murmuring streams and from its bracing atmosphere can draw vitality, inspiration and delight—strength for the duties of each succeeding hour as he seeks to emulate the lofty virtues and resplendent talents of those whose eyes, like his, once wandered with rapture over its entrancing prospects.

NOTE BY THE EDITOR.

The Editor deeply regrets that since the modesty of the author has forbidden any reference to himself this review of the period in which Mr. Vanamee himself has borne so honorable and conspicuous a part contains no description of his own brilliant career as an advocate. But though it is thus unavoidable that his signal talents and accomplishments should not be specifically portrayed in these pages, still the intelligent reader will not fail to perceive in these graphic estimates of his contemporaries an unconscious reflection of his own commanding character, lofty ideals and acknowledged abilities.

